

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
NOTICE OF PUBLIC HEARING

October 8, 2020
1:00 p.m. Central Time
Nebraska State Office Building – Lower Level A
301 Centennial Mall South, Lincoln, Nebraska
Phone call information: 888-820-1398; Participant code: 3213662#

The purpose of this hearing is to receive comments on the adoption of amendments to the following regulations:

Title 172 NAC 180 – *Practice of Veterinary Medicine and Surgery*

The proposed changes remove all duplicative statutory language from the regulations and remove any repetitive regulatory language found in 172 NAC 10. Additional proposed changes include: updating definitions; consolidating the licensing requirements for veterinarians and veterinarian technicians into one section; adding expiration dates to the renewal, waiver of continuing education, and inactive status section; revising the unprofessional conduct section for consistency with other professions, including adding language for disruptive behavior; removing unnecessary language throughout the chapter; restructured the regulatory chapter; and updated formatting.

Title 172 NAC 182 – *Licensure of Animal Therapists*

The proposed changes remove all duplicative statutory language from the regulations and remove any repetitive regulatory language found in 172 NAC 10. Additional proposed changes include: updating definitions; adding expiration dates to the renewal, waiver of continuing education, and inactive status section; removing unnecessary language throughout the chapter; restructured the regulatory chapter; and updated formatting.

Authority for these regulations is found in Neb. Rev. Stat. § 81-3117(7).

Due to the current public health crisis, the agency will enforce any Directed Health Measure Order on the size of gatherings that is in effect at the time of the hearing. In order to encourage participation in this public hearing, a phone conference line will be set up for any member of the public to call in and provide oral comments.

Interested persons may provide verbal comments by participating via phone conference line by calling 888-820-1398; Participant code: 3213662#.

Interested persons may provide written comments by mail, fax, or email, no later than the day of the hearing to: DHHS Legal Services, PO Box 95026, Lincoln, NE 68509-5026, (402) 742-2382 or dhhs.regulations@nebraska.gov, respectively.

A copy of the proposed changes is available online at <http://www.sos.ne.gov>, or by contacting DHHS at the mailing address or email above, or by phone at (402) 471-8417. The fiscal impact statement for these proposed changes may be obtained at the office of the Secretary of State, Regulations Division, 1201 N Street, Suite 120, Lincoln, NE 68508, or by calling (402) 471-2385.

Auxiliary aids or reasonable accommodations needed to participate in a hearing can be requested by calling (402) 471-8223. Individuals with hearing impairments may call DHHS at (402) 471-9570 (voice and TDD) or the Nebraska Relay System at 711 or (800) 833-7352 TDD at least 2 weeks prior to the hearing.

FISCAL IMPACT STATEMENT

Agency: Department of Health and Human Services	
Title: 172	Prepared by: Jesse Cushman
Chapter: 180	Date prepared: 7-08-19
Subject: Practice of Veterinary Medicine and Surgery	Telephone: (402) 471-4915

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(<input checked="" type="checkbox"/>)	(<input checked="" type="checkbox"/>)	(<input checked="" type="checkbox"/>)
Increased Costs	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Decreased Costs	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Increased Revenue	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Decreased Revenue	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Indeterminable	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)

Provide an Estimated Cost & Description of Impact:

State Agency: **No Change**

Political Subdivision: **No Change**

Regulated Public: **There is no change in fees to the regulated public.**

If indeterminable, explain why:

FISCAL IMPACT STATEMENT

Agency: Department of Health and Human Services	
Title: 172	Prepared by: Jesse Cushman
Chapter: 182	Date prepared: 6-27-19
Subject: Practice of Podiatry	Telephone: (402) 471-4915

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(<input checked="" type="checkbox"/>)	(<input checked="" type="checkbox"/>)	(<input checked="" type="checkbox"/>)
Increased Costs	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Decreased Costs	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Increased Revenue	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Decreased Revenue	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Indeterminable	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)

Provide an Estimated Cost & Description of Impact:

State Agency:

Political Subdivision:

Regulated Public: There is no change in fees to the regulated public.

If indeterminable, explain why:

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 180 PRACTICE OF VETERINARY MEDICINE AND SURGERY

001. SCOPE AND AUTHORITY. These regulations apply to licensure of veterinarians and veterinary technicians as defined by the Veterinary Medicine and Surgery Practice Act, Nebraska Revised Statutes (Neb. Rev. Stats.) §§ 38-3301 to 38-3335 and the Uniform Credentialing Act.

002. DEFINITIONS. Definitions set out in the Veterinary Medicine and Surgery Practice Act, the Uniform Credentialing Act, 172 Nebraska Administrative Code (NAC) 10, and the following apply to this chapter.

002.01 ADEQUATE RECORDS. Legible medical records containing, at a minimum, sufficient information to identify the patient, support the diagnosis, justify the treatment, accurately document the results, indicate advice and cautionary warnings provided to the patient and provide sufficient information for another practitioner to assume continuity of the patient's care at any point in the course of treatment, and, when investigative or unproven therapies are utilized, the records must include written informed client consent.

002.02 ANGOFF METHOD. A method of determining passing scores based on aggregate information obtained by having judges predict the probability that a hypothetical minimally competent candidate will correctly answer items in a test is the Angoff Method.

002.03 APPROVED CONTINUING EDUCATION. Consists of courses, clinics, forums, lectures, training programs or seminars that pertain to veterinary medicine and surgery or veterinary technology and are approved by the Board.

002.04 APPROVED CONTINUING COMPETENCY. Activities that ensure the maintenance of knowledge and skills necessary to competently practice veterinary medicine and surgery; the utilization of new techniques based on scientific and clinical advances; and the promotion of research to assure expansive and comprehensive services to the public. The activities must meet the criteria for approval established by the Board to be recognized for licensure renewal.

002.05 APPROVED PROGRAM THAT DETERMINES EDUCATIONAL EQUIVALENCE. A program which issues certificates based on specific standards indicating that the holder of such a certificate has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited college of veterinary medicine. Such programs include the American Veterinary Medical Association (AVMA), Education Commission for Foreign

Veterinary Graduates (ECFVG), the American Association of Veterinary State Boards (AAVSB) Program for the Assessment of Veterinary Education Equivalence (PAVE); or another entity that maintains the same standards for determining educational equivalence as the American Veterinary Medical Association Education Commission for Foreign Veterinary Graduates or the American Association of Veterinary State Boards Program for the Assessment of Veterinary Education Equivalence.

002.06 HOUR. A period of 50 minutes of formal instruction, otherwise known as a "contact hour."

002.07 PROVIDER. An institution or individual that presents continuing education programs to licensees.

002.08 SURGERY. The treatment, through revision, destruction, incision, closure or other structural alteration of animal tissue.

003. LICENSE REQUIREMENTS. To obtain a license, an individual must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets all statutory requirements, 172 NAC 10, and this chapter.

003.01 VETERINARY LICENSURE BY EXAMINATION. An applicant for a license to practice veterinary medicine and surgery based on examination must have attained at least the age of 21, and

- (A) Submit an official transcript directly from the issuing institution verifying graduation from an accredited school of veterinary medicine or a certificate directly from an approved program that determines educational equivalence;
- (B) Submit score reports directly from the issuing institutions showing:
 - (i) Passage of the National Board Examination with a converted score of at least 70 and the Clinical Competency Test with a converted score of at least 70 within the last 5 years, which are administered by the National Board of Veterinary Medical Examiners (NBVME); or pass the North American Veterinary Licensing Examination (NAVLE) given by the National Board of Veterinary Medical Examiners with a converted score of at least 70 within the last 5 years; and
- (C) Pass the Nebraska Jurisprudence Examination which relates to the statutes that govern veterinary medicine and surgery with an average score of at least 70.

003.02 VETERINARY LICENSE BY RECIPROCITY. An applicant for a license to practice veterinary medicine and surgery based on reciprocity must have attained at least the age of 21, and

- (A) Submit an official transcript directly from the issuing institution verifying graduation from an accredited school of veterinary medicine or a certificate directly from an approved program that determines educational equivalence;
- (B) Submit score reports directly from the issuing institutions showing:
 - (i) Passage of the National Board Examination with a converted score of at least 70 and the Clinical Competency Test with a converted score of at least 70 within the last 5 years, which are administered by the NBVME; or pass the North American Veterinary Licensing Examination given by the National Board of Veterinary

- Medical Examiners with a converted score of at least 70 within the last 5 years;
or
(ii) Passage of one of the following examinations administered by the NBVME:
(1) The National Board Examination with a converted score of at least 70; or
(2) The NAVLE with a converted score of at least 70;
(C) Pass the Nebraska Jurisprudence Examination which relates to the statutes that govern veterinary medicine and surgery with an average score of at least 70; and
(D) Submit direct source verification of the credential the applicant holds in another state or territory of the United States or the District of Columbia which maintains standards regulating the profession equal to those maintained in this State.

003.03 VETERINARY TECHNICIAN LICENSE. An applicant for licensure as a veterinary technician must:

- (A) Submit an official transcript directly from the issuing institution verifying graduation from an American Veterinary Medical Association (AVMA) accredited veterinary technician program;
(B) Submit score reports directly from the issuing institution showing passage of the Veterinary Technician National Examination (VTNE) with a passing score as determined by the Angoff Method or other comparable criterion referenced scoring method.

004. STANDARDS OF SUPERVISION. The following delegated tasks may be performed under the indicated level of veterinarian supervision.

004.01 LICENSED VETERINARY TECHNICIANS. Veterinary technicians may perform the following tasks provided the supervising veterinarian makes a physical examination of the patient being treated.

004.01(A) TASKS WHICH REQUIRE IMMEDIATE SUPERVISION.

- (i) Dental extraction not requiring sectioning of a tooth or the resectioning of bone;
(ii) Assist veterinarian in surgery by tissue handling and instrument handling.

004.01(B) TASKS WHICH REQUIRE DIRECT SUPERVISION.

- (i) Induction of anesthesia;
(ii) Euthanasia;
(iii) Blood or blood component collection, preparation and administration for blood transfusions;
(iv) Dental procedures limited to the following procedures only:
(1) Removal of calculus, soft deposits, plaque, and stains;
(2) Smoothing, filing, and polishing of teeth;
(3) Flotation or dressing of equine teeth.

004.01(C) TASKS WHICH REQUIRE INDIRECT SUPERVISION.

- (i) Perform preliminary physical examination;
(ii) Obtain history regarding an animal patient;
(iii) Client education;
(iv) Administration and application of treatments, drugs, oxygen therapy, medications and immunological agents by parenteral and injectable routes (subcutaneous,

intramuscular, intraperitoneal, and intravenous), except when in conflict with government regulations;

- (v) Initiation of parenteral fluid administration;
- (vi) Intravenous catheterizations;
- (vii) Radiography including settings, positioning, processing and safety procedures;
- (viii) Electrocardiogram (EKG);
- (ix) Collection of urine by expression, cystocentesis, or catheterization;
- (x) Collection and preparation of tissues, cellular, or microbiological samples by skin scraping, impressions, or other non-surgical methods, except when in conflict with government regulations;
- (xi) Routine laboratory test procedures;
- (xii) Supervision of the handling of biohazardous waste materials;
- (xiii) Application of bandages and wound management;
- (xiv) Patient vital sign monitoring.

004.02 UNLICENSED VETERINARY ASSISTANTS. An unlicensed veterinary assistant may perform under the indicated level of supervision the following tasks provided the supervising veterinarian makes a physical examination of the patient being treated.

004.02(A) TASKS WHICH REQUIRE IMMEDIATE SUPERVISION.

- (i) Assist veterinarian in surgery by tissue handling and instrument handling.

004.02(B) TASKS WHICH REQUIRE DIRECT SUPERVISION.

- (i) Assist with the following radiology procedures:
 - (1) Patient positioning;
 - (2) Operation of x-ray machine after obtaining training in radiation safety as required by 172 NAC 93.
- (ii) Administer crystalloid fluid therapy through an established IV catheter;
- (iii) Collection of blood specimens;
- (iv) Patient vital sign monitoring.

004.02(C) TASKS WHICH REQUIRE INDIRECT SUPERVISION.

- (i) Collection of voided urine specimens;
- (ii) Collection of fecal specimens;
- (iii) Perform automated blood tests or commercial ELISA tests;
- (iv) Obtain history regarding an animal patient;
- (v) Perform preliminary physical examination;
- (vi) Client education;
- (vii) Administration and application of treatment and drugs, medications and immunological agents by topical, oral, rectal, intramuscular and subcutaneous injectable routes, except when otherwise prohibited by law.

004.03 EMERGENCY AID OR TREATMENT. During an emergency a licensed veterinary technician or unlicensed veterinary assistant may render the following life-saving aid and treatment:

- (A) Application of tourniquets or pressure bandages to control hemorrhage;

- (B) Administration of pharmacological agents and parenteral fluids only when performed after direct communication with a licensed veterinarian and the veterinarian is either present or enroute to the location of the distressed animal;
- (C) Resuscitative procedures;
- (D) Application of temporary splints or bandages to prevent further injury to bones or soft tissues;
- (E) Application of bandages, appropriate wound dressings and external supportive treatment in severe wound and burn cases; or
- (F) External supportive treatment in heat prostration cases.

004.04 TASKS RESERVED FOR A VETERINARIAN. Licensed veterinary technicians or unlicensed veterinary assistants are not permitted to do any of the following:

- (A) Make a diagnosis or prognosis;
- (B) Prescribe any treatment, drugs, medications or appliances;
- (C) Perform surgery; or
- (D) Administer rabies vaccine.

005. RENEWAL, WAIVER OF CONTINUING EDUCATION, AND INACTIVE STATUS. The applicant must meet the requirements set out in 172 NAC 10. All licenses expire on April 1 of each even-numbered year.

006. CONTINUING COMPETENCY. On or before the expiration date, individuals holding an active license must complete the following number of hours for professional certification.

- (A) Veterinarians – 32 hours of approved Continuous Competency.
- (B) Veterinary Technicians –16 hours of approved Continuous Competency.

006.01 GENERAL REQUIREMENTS FOR LICENSEE. As a condition for renewal of license, each veterinarian and veterinary technician must complete one or a combination of the following continuing competency requirements within the renewal period immediately preceding the license renewal date:

006.01(A) INITIAL OR RE-CERTIFICATION. Initial Board Certification or Re-Certification by an AVMA recognized veterinary specialty organization, obtained during the renewal period immediately preceding the license renewal date, meets the entire requirement for continuing competency for that renewal period.

006.01(B) PROFESSIONAL CERTIFICATION. Professional Certification, as approved in advance by the Board, obtained during the renewal period immediately preceding the license renewal date. Professional certification meets the requirement for continuing competency according to the number of hours of classwork, study time, or other time required to be completed by the practitioner in order to obtain the certification, to be determined in advance by the Board.

006.01(C) REFRESHER COURSES. As approved in advance by the Board, meet the requirement for continuing competency according to the number of hours attended.

006.01(D) IN-SERVICE TRAINING. As approved in advance by the Board, meets the requirement for continuing competency according to the number of hours attended.

006.01(E) CLINICAL ROTATIONS. As approved in advance by the Board, meet the requirement for continuing competency according to the number of hours attended.

006.01(F) ACCEPTABLE CONTINUING EDUCATION PROGRAMS. Types of continuing education programs acceptable for continuing competency credit include, but are not limited to:

- (i) State, National, and District meetings, i.e., a meeting of the Nebraska Veterinary Medical Association (NVMA) or a veterinary association in any other state, the Nebraska Veterinary Technician Association (NVTa), or a veterinary technician association in any other state, the Nebraska Academy of Veterinary Medicine (NAVMA), the AVMA, the American Association of Bovine Practitioners (AABP), the American Association of Equine Practitioners (AAEP), the American Association of Swine Practitioners (AASP), the American Association of Laboratory Animal Practitioners (AALAP), the American Animal Hospital Association (AAHA), or any satellite organization related to any of the associations listed above:
 - (1) One hour credit for each hour of attendance, and only the portion of such meeting which is applicable to the credential holders practice of either veterinary medicine and surgery or veterinary technician, can be approved for credit.
- (ii) Formal education courses which relate directly to the practice of veterinary medicine and surgery or veterinary technology:
 - (1) One hour credit for each hour of attendance.
- (iii) Veterinary and veterinary technology continuing education courses sponsored by accredited colleges of veterinary medicine and surgery or veterinary technology:
 - (1) One hour credit for each hour of attendance.
- (iv) Home study courses with a testing mechanism that is scored by the provider or their designee. Licensee will be given credit for home study courses for a maximum of one quarter of the total number of hours required for each renewal period.
 - (1) One hour credit for each hour of study; no more than one quarter of the total number of hours required for each renewal period.
- (v) Programs approved by the American Association of Veterinary State Boards Registry of Approved Continuing Education (RACE) which are related to the practice of veterinary medicine and surgery or veterinary technology.
 - (1) One hour credit for each hour of attendance.
- (vi) Practice management programs. Licensee will be given credit for practice management programs for a maximum of one quarter of the total number of hours required for each renewal period.
 - (1) One hour credit for each hour of attendance; no more than one quarter of the total number of hours required for each renewal period.
- (vii) A presenter may receive credit for only the initial presentation during a renewal period. Credit will not be given for subsequent presentations of the same program.

006.02 APPROVAL OF CONTINUING COMPETENCY ACTIVITIES. Either a provider or a licensee may apply for approval of a continuing competency activity. The approval is granted by the Department and means that the activity has been determined by the Board to meet the

criteria for acceptable continuing competency. Approval prior to the renewal date is optional for continuing education, but is provided by the Board as a service to providers and licensees who wish to determine if a program meets the criteria for acceptable continuing education. All continuing competency activities must include:

- (1) The activity must be at least one hour in duration;
- (2) The topic and/or objectives must relate directly to the practice of veterinary medicine and surgery or veterinary technology;
- (3) The presenter of the activity must be qualified by education, experience or training; and
- (4) Activities must be open to all veterinarians or veterinary technicians licensed in Nebraska.

006.02(A) REQUESTING APPROVAL. A provider or licensee may submit information about the continuing competency activity to the Board on an application provided by the Department. Only applications which are complete will be considered.

- (i) The following information must be included in the application:
 - (1) A description of activity content and/or objectives;
 - (2) A general description of the qualifications of each presenter;
 - (3) The number of hours for which approval is requested, if applicable;
 - (4) The name, address, and telephone number of the provider's program planner;
 - (5) A description of the process the provider uses to verify attendance by the licensee;
 - (6) A sample copy of the documentation the provider issues to the licensee as proof of attendance at the activity; and
 - (a) Certificates verifying attendance at approved activities must contain at least the following information:
 - (i) Name of the activity;
 - (ii) Name of the provider;
 - (iii) Name of the licensee who attended the course;
 - (iv) Number of credit hours earned (actually attended) by the licensee, if applicable; and
 - (v) Date(s) the course was attended by the licensee.
 - (7) Location of program.
- (ii) The provider may submit additional documents or information as considered relevant to the application and in compliance with the provisions of this chapter.
- (iii) The provider must submit a complete application to the Department at least 45 days prior to the date on which the program is to be given to gain approval before the activity is presented.
- (iv) Once a provider is granted approval for a continuing competency activity, re-approval is not required for each subsequent occasion on which the activity is administered so long as the program is not changed or the laws and regulations governing continuing competency are not changed. If any portion of the activity is changed, re-application must be made in accordance with this chapter if continued approval is desired.
- (v) After being granted written approval of the application, the provider is entitled to state upon any publication which advertises or announces the program, the following statement: "This program is approved for _____ hours of continuing

competency by the Nebraska Department of Health and Human Services, Division of Public Health.”

- (vi) Post-Program Approval Applications for approval of a continuing education program may be made after the program has occurred. Activities that are not continuing education programs require approval prior to the completion of the activity.

006.02(B) DENIAL OF CONTINUING COMPETENCY ACTIVITIES. The Board may deny an application for approval of a continuing competency activity or suspend or revoke approval of a continuing competency activity on any of the following grounds:

- (1) Fraud or misrepresentation of information in an application;
(2) The program fails to meet the criteria for acceptable continuing competency set forth in this chapter.

006.02(B)(i) NOTICE OF DENIAL. An application for approval of continuing competency activities may be approved or denied. Should an application for a continuing competency activity be denied, the applicant will be sent a notice setting forth the reasons for the determination to the last address of record in the Department. Denial of an application will become final 15 days after the mailing of the notice unless the provider, within such 15-day period, will give written notice to the Board of a desire for hearing. The hearing will be conducted before the Board in accordance with the Administrative Procedure Act and 184 NAC 1 of the Rules of Practice and Procedure for the Department.

007. UNPROFESSIONAL CONDUCT. Unprofessional conduct includes but is not limited to the acts set out in Neb. Rev. Stat. § 38-179 and the following:

- (A) Commission of any act of sexual abuse, misconduct, or exploitation related to the practice of the profession of the applicant or credential holder. Sexual misconduct in the practice of veterinary medicine means violation of the practitioner-client-patient relationship through which the applicant or credential holder uses said relationship to induce or attempt to induce the client-patient to engage or to attempt to engage the client or patient, in sexual activity; committing any act which may reasonably be interpreted as intended for the sexual arousal or gratification of the practitioner, the client or patient, or both;
- (B) Failure to keep and maintain adequate records of treatment or service for 3 years after the veterinarian’s most recent contact with the client or patient.;
- (C) Disruptive veterinarian behavior as manifested by a veterinarian’s aberrant behavior which interferes with patient care or could reasonably be expected to interfere with patient care, including, but not limited to, the following:
- (i) Outbursts of rage or violent behavior;
- (ii) Repeated failure to respond to calls;
- (iii) Throwing instruments, charts, or objects;
- (iv) Insulting comments to a client, client’s family, veterinarians, or healthcare staff;
- (v) Striking or assaulting a client, client’s family, patient, veterinarians, or healthcare staff;
- and
- (vi) Poor hygiene
- (D) Making a false or misleading statement regarding his or her skill as a veterinarian, or as a veterinary technician.

- (E) Making a false or misleading statement regarding the efficacy or value of the medicine, device, treatment, or remedy prescribed by the veterinarian or used at the veterinarians direction in the practice of veterinary medicine and surgery;
- (F) Practice or other behavior that demonstrates a willful rendering of substandard care, either individually or as a part of a third-party reimbursement agreement or other agreement;
- (G) The use of any false, fraudulent, deceptive or misleading statement in any document pertaining to the practice of veterinary medicine and surgery, or practice as a veterinary technician;
- (H) Prescribing, selling, administering, or distributing, any drug legally classified as a controlled substance, other than with proper registration to prescribe controlled substances;
- (I) Failure to furnish the Board, its investigators or representatives, information legally requested by the Board;
- (J) To advertise in a manner that deceives, misleads, or defrauds the public. The following advertising practices will be considered to be deceptive:
 - (i) To advertise or promote any veterinary service as free or below the advertiser's or promoter's own cost without revealing in the advertising or promotion the minimum expenditure the consumer must incur in order to receive the service. If the consumer need not incur any expense to obtain the service, then the advertising or promotion must state that there is no minimum purchase required;
 - (ii) To fail to inform the consumer of any time schedule within which a fee is to be effective, if the fee applies to a particular service for a given time;
 - (iii) To fail to charge the same fee for a service as that which is advertised;
 - (iv) To advertise or promote any veterinary service with statements that cannot be verified, substantiated or measured; and
- (K) Failure to properly supervise licensed veterinary technicians or unlicensed assistants; or
- (L) Failure to comply with Neb. Rev. Stat. §§ 71-8401 to 71-8407 regarding access to medical records.

007. UNPROFESSIONAL CONDUCT. Unprofessional conduct includes but is not limited to the acts set out in Neb. Rev. Stat. § 38-179 and 172 NAC 10.

008. REINSTATEMENT. The applicant must meet the requirements set out in 172 NAC 10.

009. FEES. Fees are set out in 172 NAC 2.

2005

STATE OF NEBRASKA

TITLE 172 CHAPTER 180

Regulations Governing the Practice of

VETERINARY MEDICINE AND SURGERY

NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM



Department of Health and Human Services Regulation and Licensure
Credentialing Division
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Effective Date: January 15, 2005

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TITLE 172 _____ PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 180 _____ PRACTICE OF VETERINARY MEDICINE AND SURGERY

~~180-001 AUTHORITY: These regulations apply to licensure of veterinarians and veterinary technicians as defined by Neb. Rev. Stat. §§71-1,152.01 to 71-1,166 and the Uniform Licensing Law. Section kept as section 001 as modified.~~

~~180-002 DEFINITIONS Section kept as section 002 as modified.~~

~~002.01 Accredited school or college of veterinary medicine and surgery means a school or college which conforms to the standards required for accreditation by the American Veterinary Medical Association (AVMA) and is approved by the Department, upon recommendation of the Board.~~

~~002.02 Act means Neb. Rev. Stat. §§71-1,152.01 to 71-1,166, known as the Nebraska Veterinary Practice Act.~~

~~002.03~~

~~002.04 Approved continuing education means courses, clinics, forums, lectures, training programs or seminars that pertain to veterinary medicine and surgery or veterinary technology, and are approved by the Board. Section kept in section 002 as modified.~~

~~Approved continuing competency means activities that ensure the maintenance of knowledge and skills necessary to competently practice veterinary medicine and surgery; the utilization of new techniques based on scientific and clinical advances; and the promotion of research to assure expansive and comprehensive services to the public. The activities must meet the criteria for approval established by the Board to be recognized for licensure renewal. Section kept in section 002 as modified.~~

~~002.05 Approved program means a program in veterinary technology for the education of technicians, accredited by the American Veterinary Medical Association (AVMA), as approved by the Board.~~

~~Approved program that determines educational equivalence means a program to determine educational equivalence in veterinary medicine and surgery which issues certificates based on specific standards indicating that the holder of such a certificate has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited college of veterinary medicine. Such programs include the American Veterinary Medical Association Education Commission for Foreign Veterinary Graduates (AVMA ECFVG), the American Association of Veterinary State Boards Program for the Assessment of Veterinary Education Equivalence (AAVSB PAVE); or another entity that maintains the same standards for determining educational equivalence as the AVMA ECFVG or the AAVSB PAVE. Section kept in section 002 as modified.~~

Attest/Attestation means that the individual declares that all statements on the application/petition are true and complete.

002.06 Board means the Board of Veterinary Medicine and Surgery.

002.07 Completed application means an application with all of the information requested on the application filled in, the signature of the applicant verified, fees and all required documentation submitted.

002.09 Department means the Department of Health and Human Services Regulation and Licensure.

Direct supervision means that the supervisor is on the premises and is available to the veterinary technician or unlicensed assistant who is treating the animal and the animal has been examined by a veterinarian at such times as acceptable veterinary practice requires consistent with the particular delegated animal health care task.

002.10 Director means the Director of Regulation and Licensure or the Chief Medical Officer if one has been appointed pursuant to Neb. Rev. Stat. §81-3201, for performance of the duties set out in that statute.

Examination means the National Board Examination, the Clinical Competency Test, and the North American Veterinary Licensing Examination.

Hour means a period of 50 minutes of formal instruction, otherwise known as a "contact hour."
Section kept in section 002 as modified.

Immediate supervision means that the supervisor is on the premises and is in direct eyesight and hearing range of the animal and the veterinary technician or unlicensed assistant who is treating the animal and the animal has been examined by a veterinarian at such times as acceptable veterinary practice requires consistent with the particular delegated animal health care task.

Inactive status means the voluntary termination of the right or privilege to practice veterinary medicine and surgery. The licensee retains the right or privilege to represent himself/herself as having an inactive license.

Indirect supervision means that the supervisor is not on the premises but is easily accessible and has given written or oral instructions for treatment of the animal and the animal has been examined by a veterinarian at such times as acceptable veterinary practice requires consistent with the particular delegated animal health care task.

002.13 Lapsed status means the voluntary termination of the right or privilege to represent oneself as a licensed person and to practice veterinary medicine and surgery.

Licensed veterinarian means a person who is validly and currently licensed to practice veterinary medicine and surgery in this state.

Licensed veterinary technician means a veterinary technician who is validly and currently licensed as a veterinary technician in this state. Only a licensed veterinary technician may advertise or

~~offer his/her services in a manner calculated to lead others to believe that s/he is a veterinary technician.~~

~~NAC means the Nebraska Administrative Code, the system for classifying State agency rules and regulations. These regulations are 172 NAC 180.~~

~~002.14 Official transcript means issued by and under the original seal of the educational institution.~~

~~002.15 Provider means an institution or individual that presents continuing education programs to licensees and may request approval from the Department of those programs. Section kept in section 002 as modified.~~

~~Surgery means the treatment, through revision, destruction, incision, closure or other structural alteration of animal tissue. Section kept in section 002 as modified.~~

~~Supervisor means a licensed veterinarian or licensed veterinary technician as required by statute or rule or regulation for the particular delegated task being performed by a veterinary technician or unlicensed assistant.~~

~~Unlicensed assistant means an individual who is not a veterinarian or a veterinary technician who is working in veterinary medicine.~~

~~002.16 Verified means sworn to before a Notary Public.~~

~~Veterinarian means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or its equivalent.~~

~~180-003 REQUIREMENTS FOR ISSUANCE OF A LICENSE: Any person, except those listed in Neb. Rev. Stat. § 71-1,155, who wishes to practice and/or represent himself/herself as a veterinarian must be licensed as a veterinarian. The criteria for issuance of a license and the documentation required by the Department and the Board are set forth below. Section kept as section 003 as modified.~~

~~180-003.01 Licensure of a Veterinarian~~

~~180-003.01A Procedures for Licensure as a Veterinarian by Examination: An applicant for a license to practice veterinary medicine and surgery on the basis of an examination must:~~

- ~~1. Meet one of the following requirements regarding education:
 - ~~a. Have graduated from an accredited school or college of veterinary medicine and surgery; or~~
 - ~~b. Hold a certificate issued by an approved program that determines educational equivalence indicating that the applicant has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited school or college of veterinary medicine and surgery.~~~~

- ~~2. Meet the following requirements regarding examination:~~
 - ~~a. Pass the National Board Examination (NBE) with a converted score of at least 70 and the Clinical Competency Test (CCT) with a converted score of at least 70 within the last five years, which are administered by the National Board of Veterinary Medical Examiners (NBVME); or~~
 - ~~b. Pass the North American Veterinary Licensing Examination (NAVLE) given by the NBVME with a converted score of at least 70 within the last five years;~~
- ~~3. Pass the Nebraska Jurisprudence Examination which relates to the statutes that govern veterinary medicine and surgery with an average score of at least 70;~~
- ~~4. Have good moral character and have attained at least the age of 21 years; and~~
- ~~5. Submit to the Department:~~
 - ~~a. An application for a license to practice veterinary medicine and surgery which includes the following information. Section kept in section 003 as modified. The application may be submitted on a form provided by the Department or on an alternate format. Only applications which are complete will be considered;~~
 - ~~(1) Personal information: legal name, date of birth, Social Security Number, place of birth, mailing address, telephone number (optional), and permanent address;~~
 - ~~(2) Education: name and location of high school completed and date completed, name and location of pre-veterinary college and date completed, name and location of veterinary college and date of graduation; if your veterinary college is not accredited, indicate that you are having official documentation of your Educational Equivalence Certificate forwarded to this office;~~
 - ~~(3) Indicate whether you are applying by examination or reciprocity.~~
 - ~~(4) Indicate that you have contacted the Veterinary Information Verification Agency (VIVA) to forward your NBE and CCT or your NAVLE scores to Nebraska.~~

- ~~_____~~ (5) All applicants must respond to the following questions by answering yes or no. If the answer is yes to any question, explain the circumstances and outcome.
- ~~_____~~ (a) Have you ever been convicted of a felony or misdemeanor?
- ~~_____~~ (b) Have you ever been denied a license or the right to take an examination?
- ~~_____~~ (c) Has your veterinary license in any state ever been suspended, revoked, limited, placed on probation or disciplined in any manner?
- ~~_____~~ (d) Have you ever voluntarily surrendered or limited in any way a license issued to you by a licensing or disciplinary authority?
- ~~_____~~ (e) Have you ever been requested to appear before any licensing agency?
- ~~_____~~ (f) Have you ever been notified of any charges or complaints filed against you by any licensing or disciplinary authority or criminal prosecution authority?
- ~~_____~~ (g) Are you aware of any pending disciplinary actions against your license in any jurisdiction?
- ~~_____~~ (h) Are you aware of any on-going investigations of a disciplinary complaint against your license in any jurisdiction?
- ~~_____~~ (i) Have you ever been addicted to, dependent upon or chronically impaired by alcohol, narcotics, barbiturates, or other drugs which may cause physical and/or psychological dependence?
- ~~_____~~ (j) During the past ten years, have you voluntarily entered or been involuntarily admitted to an institution or health care facility for treatment of a mental or emotional disorder/condition?
- ~~_____~~ (k) During the last ten years, have you been diagnosed with or treated for bipolar disorder, schizophrenia, or any psychotic disorder?
- ~~_____~~ (l) Have you ever been denied a Federal Drug Enforcement Administration (DEA) Registration or state controlled substances registration?
- ~~_____~~ (m) Have you ever been called before any licensing agency or lawful authority concerned with DEA controlled substances?
- ~~_____~~ (n) Have you ever surrendered your state or federal controlled substances registration?
- ~~_____~~ (o) Have you ever had your state or federal controlled substances registration restricted in any way?
- ~~_____~~ (p) Have you ever been notified of any malpractice claim against you?
- ~~_____~~ (q) Has any action or proceeding of a civil nature ever been brought against you concerning care or treatment of an animal, regardless of whether or not such action or

~~proceeding was ultimately withdrawn, dismissed,
settled or resulted in a judgement?~~

- ~~(6) Indicate whether or not you have ever been licensed as a veterinarian in another state, province or jurisdiction. List all states, provinces and jurisdictions where you have been or are currently licensed, and include license number and expiration date.~~
- ~~(7) Notarized statement from the applicant that s/he is of good moral character and that the statements on the application are true and complete.~~
- ~~b. An official transcript from an accredited school or college of veterinary medicine and surgery showing graduation from the school or college, or official documentation of a certificate issued by an approved program that determines educational equivalence; Section kept in section 003 as modified.~~
- ~~c. Official documentation of the scores obtained on the NBE and the CCT; or the NAVLE; Section kept in section 003 as modified.~~
- ~~d. A completed Nebraska Jurisprudence Examination; Section kept in section 003 as modified.~~
- ~~e. The required licensure fee; and~~
- ~~f. A copy of birth certificate, marriage license, driver's license or other valid verification of age.~~

~~180-003.01B The Department will act within 150 days upon all completed applications for licensure.~~

~~180-003.01C Procedures for Licensure As A Veterinarian By An Applicant Who Is Licensed As A Veterinarian In Another Jurisdiction; Section kept in section 003 as modified.~~

~~180-003.01C1 May apply by examination if s/he has passed the NBE with a converted score of at least 70 and the CCT with a converted score of at least 70 within the last five years, or the NAVLE with a converted score of at least 70 within the last five years and must meet the requirements in 172 NAC 180-003.01A; or~~

~~180-003.01C2 Must apply by reciprocity if s/he has not passed the NBE with a converted score of at least 70 and the CCT with a converted score of at least 70 within the last five years, or the NAVLE with a converted score of at least 70 within the last five years and must meet the following requirements:~~

- ~~1. Meet one of the following requirements regarding education:~~

- ~~a. Have graduated from an accredited school or college of veterinary medicine and surgery; or~~
- ~~b. Hold a certificate issued by an approved program that determines educational equivalence indicating that the applicant has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited school or college of veterinary medicine and surgery.~~
- ~~2. Pass one of the following examinations administered by the NBVME:
 - ~~a. The NBE with a converted score of at least 70; or~~
 - ~~b. The NAVLE with a converted score of at least 70.~~~~
- ~~3. Pass the Nebraska Jurisprudence Examination which relates to the statutes that govern veterinary medicine and surgery with an average score of at least 70;~~
- ~~4. Be duly licensed in another state or territory of the United States or the District of Columbia which maintains standards regulating the profession equal to those maintained in this State;~~
- ~~5. Have been in the active and continuous practice of veterinary medicine and surgery in another state or territory of the United States or the District of Columbia for at least one year of the three years immediately preceding the date of application for Nebraska license; or, have been in an accepted residency or graduate training program for at least one year of the three years immediately preceding the date of application for Nebraska license;~~
- ~~6. Have good moral character and have attained at least the age of 21 years; and~~
- ~~7. Submit to the Department:
 - ~~a. An application for a license to practice veterinary medicine and surgery which includes the following information. The application may be submitted on a form provided by the Department, or on an alternate format. Only applications which are complete will be considered. Section kept in section 003 as modified.~~~~
- ~~(1) All information as listed in 172 NAC 180-003.01A item 5.a;~~

- ~~(2) Indicate the name and address of agency issuing initial license, date issued, initial license number and expiration date. Indicate the name of the written state examination you took and a statement of the topics covered by this examination;~~
- ~~(3) Indicate whether or not you have been in the active and continuous practice of veterinary medicine and surgery in another state or territory of the United States or the District of Columbia for at least one year of the three years immediately preceding the date of application for Nebraska license; or, have been in an accepted residency or graduate training program for at least one year of the three years immediately preceding the date of application for Nebraska license. Give name of facility, address and dates of locations where you have been actively engaged in the practice of veterinary medicine and surgery or were in an accepted residency or graduate training program;~~
- ~~(4) Indicate that you have requested certification of your initial veterinary medicine and surgery license sent to Nebraska; Section kept in section 003 as modified.~~
- ~~b. An official transcript from an accredited school or college of veterinary medicine and surgery showing graduation from the school or college or official documentation of a certificate issued by an approved program that determines educational equivalence; Section kept in section 003 as modified.~~
- ~~c. Official documentation of the scores obtained on the NBE or the NAVLE; Section kept in section 003 as modified.~~
- ~~d. A completed Nebraska Jurisprudence Examination; Section kept in section 003 as modified.~~
- ~~e. The required licensure fee;~~
- ~~f. A copy of birth certificate, marriage license, driver's license or other valid verification of age; and~~
- ~~g. The following documentation from the licensing agency of the jurisdiction where the applicant was initially licensed:~~
- ~~(1) A certification that the applicant is duly licensed, that his/her license was based on an examination, that his/her license has never been suspended, or revoked, or disciplined in any manner and that so far as the record of the agency is concerned, the applicant is~~

~~entitled to its endorsement;~~ Section kept in section 003 as modified.

~~(2) The nature of disciplinary actions, if any, taken against the applicant's license.~~

~~h. Documentation that the applicant has been actively engaged in the practice of veterinary medicine and surgery in another state or territory of the United States or the District of Columbia for at least one of the three years immediately preceding the date of application for Nebraska license; or, has been in an accepted residency or graduate training program for at least one of the three years immediately preceding the date of the application for Nebraska license.~~

~~8. The Board reviews the documents submitted to determine if the applicant's license issued by the other jurisdiction was based upon requirements which are comparable to those maintained in veterinary medicine and surgery in Nebraska and will recommend to the Department to issue or deny the license.~~

~~180-003.01D The Department will act within 150 days upon all completed applications for licensure.~~

~~180-003.01E When a license will expire within 180 days after its initial issuance date, the Department will collect one-fourth of the initial licensing fee, and the license will be valid until the next subsequent renewal date.~~

~~180-003.02 Licensure of a Veterinary Technician~~ Section kept in section 003 as modified.

~~180-003.02A All persons who are certified as approved animal technicians on the date of July 13, 2000 by the standards set under Neb. Rev. Stat. §§71-1,168 to 71-1,185 as such sections existed prior to such date will be licensed as veterinary technicians.~~

~~180-003.02B Procedures for licensure as a veterinary technician: An applicant for licensure as a veterinary technician must:~~

~~1. Have attained at least the age of 19;~~

~~2. Have good moral character; and~~

~~3. Meet the following requirements:~~

~~a. Have graduated from an AVMA accredited veterinary technician program and pass the Veterinary Technician National Examination (VTNE) with a score not less than the recommended passing score as determined by the examination service approved by the Board; or~~

~~b. Have at least five years or more full-time experience working with a veterinarian prior to July 13, 2000; be employed by a veterinarian on the date of July 13, 2000; and pass the VTNE no later than July 13, 2003, with a score not less than the recommended passing score as determined by the examination service approved by the Board.~~

~~2. Submit to the Department:~~

~~a. An application which includes the following information. The application may be on a form provided by the Department, or on an alternate format. Only applications which are complete will be considered; Section kept in section 003 as modified.~~

~~(1) Personal information: legal name, date of birth, Social Security Number, place of birth, mailing address, telephone number (optional), and permanent address;~~

~~(2) Education: name and location of high school completed and date completed, name and location of approved veterinary technician program, if applicable, and date completed;~~

~~(3) All applicants must respond to the following questions by answering yes or no. If the answer is yes to any question, explain the circumstances and outcome.~~

~~(a) Have you ever been convicted of a felony or misdemeanor?~~

~~(b) Have you ever been denied a certificate/license or the right to take an examination?~~

~~(c) Has your certificate/license in any state ever been suspended, revoked, limited, placed on probation or disciplined in any manner?~~

~~(d) Have you ever voluntarily surrendered or limited in any way a certificate/license issued to you by a licensing or disciplinary authority?~~

~~(e) Have you ever been requested to appear before any licensing agency?~~

~~(f) Have you ever been notified of any charges or complaints filed against you by any licensing or disciplinary authority or criminal prosecution authority?~~

~~(g) Are you aware of any pending disciplinary actions against your certificate/license in any jurisdiction?~~

~~(h) Are you aware of any on-going investigations of a disciplinary complaint against your certificate/license in any jurisdiction?~~

~~(i) Have you ever been addicted to, dependent upon or chronically impaired by alcohol, narcotics, barbiturates,~~

- ~~or other drugs which may cause physical and/or psychological dependence?~~
- ~~(j) During the past ten years, have you voluntarily entered or been involuntarily admitted to an institution or health care facility for treatment of a mental or emotional disorder/condition?~~
- ~~(k) During the last ten years, have you been diagnosed with or treated for bipolar disorder, schizophrenia, or any psychotic disorder?~~
- ~~(l) Has any action or proceeding of a civil nature ever been brought against you concerning care or treatment of an animal, regardless of whether or not such action or proceeding was ultimately withdrawn, dismissed, settled or resulted in a judgement?~~
- ~~b. Notarized statement from the applicant that s/he is of good moral character and that the statements on the application are true and complete.~~
- ~~c. If applying according to the requirements delineated in 172 NAG 180-003.02B item 1.a.:~~
- ~~(1) An official transcript from an accredited program in veterinary technology showing graduation from the program; Section kept in section 003 as modified.~~
- ~~(2) Official documentation of score obtained on the VTNE. Section kept in section 003 as modified.~~
- ~~d. If applying according to the requirements delineated in 172 NAG 180-003.02B item 1.b.:~~
- ~~(1) Affidavit from veterinarian verifying employment of applicant by the veterinarian in profession of veterinary medicine on July 13, 2000 and dates applicant worked with the veterinarian;~~
- ~~(2) Verification that applicant has at least five years or more full-time experience working with a veterinarian prior to July 13, 2000;~~
- ~~(3) Official documentation of score obtained on the VTNE.~~
- ~~e. Evidence that s/he has attained the age of 19; and~~
- ~~f. The required licensure fee.~~
- ~~180-003.02C The Department will act within 150 days upon all completed applications for licensure.~~

~~180-003.02D~~ When a license will expire within 180 days after its initial issuance date, the Department will collect \$25, and the license will be valid until the next subsequent renewal date.

~~180-003.02E~~ No person may practice veterinary technology in the state who is not a licensed veterinary technician. The Nebraska Veterinary Practice Act will not be construed to prohibit a person who is a regular student in a school of veterinary technology from performing duties or actions assigned by his/her instructors or from working under the direct supervision of a licensed veterinarian during a school vacation period.

180-004 STANDARDS OF SUPERVISION FOR DELEGATED HEALTH CARE TASKS

~~180-004.01~~ The following tasks may be performed only by a licensed veterinary technician under the direction, supervision and control of a veterinarian licensed to practice in Nebraska, provided the veterinarian makes a physical examination of the patient treated.
Section kept in section 004 as modified.

~~180-004.01A~~ Immediate supervision: Section kept in section 004 as modified.

- ~~1.~~ Dental extraction not requiring sectioning of a tooth or the resectioning of bone; Section kept in section 004 as modified.
- ~~2.~~ Assist veterinarian in surgery by tissue handling and instrument handling.

Section kept in section 004 as modified.

~~180-004.01B~~ Direct supervision: Section kept in section 004 as modified.

- ~~1.~~ Induction of anesthesia; Section kept in section 004 as modified.
- ~~2.~~ Euthanasia; Section kept in section 004 as modified.
- ~~3.~~ Blood or blood component collection, preparation and administration for blood transfusions; Section kept in section 004 as modified.
- ~~4.~~ Dental procedures limited to the following procedures only: Section kept

in section 004 as modified.

~~a.~~ Removal of calculus, soft deposits, plaque, and stains; Section kept in section 004 as modified.

~~b.~~ Smoothing, filing, and polishing of teeth; Section kept in section 004 as modified.

~~c.~~ Flotation or dressing of equine teeth. Section kept in section 004 as modified.

~~180-004.01C~~ Indirect supervision: Section kept in section 004 as modified.

~~1.~~ Perform preliminary physical examination; Section kept in section 004 as modified.

~~2.~~ Obtain history regarding an animal patient; Section kept in section 004 as modified.

- ~~3.~~ Client education; Section kept in section 004 as modified.

- ~~_____~~ 4. ~~Administration and application of treatments, drugs, oxygen therapy, medications and immunological agents by parenteral and injectable routes (subcutaneous, intramuscular, intraperitoneal, and intravenous), except when in conflict with government regulations;~~ Section kept in section 004 as modified.
- ~~_____~~ 5. ~~Initiation of parenteral fluid administration;~~ Section kept in section 004 as modified.
- ~~_____~~ 6. ~~Intravenous catheterizations;~~ Section kept in section 004 as modified.
- ~~_____~~ 7. ~~Radiography including settings, positioning, processing and safety procedures;~~ Section kept in section 004 as modified.
- ~~_____~~ 8. ~~Electrocardiogram (EKG);~~ Section kept in section 004 as modified.
- ~~_____~~ 9. ~~Collection of urine by expression, cystocentesis, or catheterization;~~ Section kept in section 004 as modified.
- ~~_____~~ 10. ~~Collection and preparation of tissues, cellular, or microbiological samples by skin scraping, impressions, or other non-surgical methods, except when in conflict with government regulations;~~ Section kept in section 004 as modified.
- ~~_____~~ 11. ~~Routine laboratory test procedures;~~ Section kept in section 004 as modified.
- ~~_____~~ 12. ~~Supervision of the handling of biohazardous waste materials;~~ Section kept in section 004 as modified.
- ~~_____~~ 13. ~~Application of bandages and wound management;~~ Section kept in section 004 as modified.
- ~~_____~~ 14. ~~Patient vital sign monitoring.~~ Section kept in section 004 as modified.

~~_____~~ 180-004.02 ~~The following tasks may be performed by unlicensed veterinary assistants under the direction, supervision and control of a veterinarian or veterinary technician licensed to practice in Nebraska, provided the veterinarian makes a physical examination of the patient treated.~~ Section kept in section 004 as modified.

~~_____~~ 180-004.02A Immediate Supervision: Section kept in section 004 as modified.

~~_____~~ 1. ~~Assist veterinarian in surgery by tissue handling and instrument handling.~~ Section kept in section 004 as modified.

~~_____~~ 180-004.02B Direct Supervision: Section kept in section 004 as modified.

~~_____~~ 1. ~~Assist with the following radiology procedures;~~ Section kept in section 004 as modified.

~~_____~~ a. ~~Patient positioning;~~ Section kept in section 004 as modified.

~~_____~~ b. ~~Operation of x-ray machine after obtaining training in radiation safety as required by 180 NAC 6-010.03 item 4.~~ Section kept in section 004 as modified.

~~_____~~ 2. ~~Administer crystalloid fluid therapy through an established IV catheter;~~ Section kept in section 004 as modified.

~~3. Collection of blood specimens;~~ Section kept in section 004 as modified.

~~4. Patient vital sign monitoring.~~

Section kept in section 004 as modified.

~~180-004.02C Indirect supervision;~~ Section kept in section 004 as modified.

~~1. Collection of voided urine specimens;~~ Section kept in section 004 as modified.

~~2. Collection of fecal specimens;~~ Section kept in section 004 as modified.

~~3. Perform automated blood tests or commercial ELISA tests;~~ Section kept in section 004 as modified.

~~4. Obtain history regarding an animal patient;~~ Section kept in section 004 as modified.

~~5. Perform preliminary physical examination;~~ Section kept in section 004 as modified.

~~6. Client education;~~ Section kept in section 004 as modified.

~~7. Administration and application of treatment and drugs, medications and immunological agents by topical, oral, rectal, intramuscular and subcutaneous injectable routes, except when in conflict with government regulations.~~ Section kept in section 004 as modified.

~~180-004.03 Under conditions of emergency, a licensed veterinary technician or unlicensed veterinary assistant may render the following life-saving aid and treatment;~~ Section kept in section 004 as modified.

~~1. Application of tourniquets and/or pressure bandages to control hemorrhage;~~ Section kept in section 004 as modified.

~~2. Administration of pharmacological agents and parenteral fluids must only be performed after direct communication with a licensed veterinarian and the veterinarian is either present or enroute to the location of the distressed animal;~~

~~3. Resuscitative procedures;~~ Section kept in section 004 as modified.

~~4. Application of temporary splints or bandages to prevent further injury to bones or soft tissues;~~ Section kept in section 004 as modified.

~~5. Application of bandages, appropriate wound dressings and external supportive treatment in severe wound and burn cases;~~ Section kept in section 004 as modified.

~~6. External supportive treatment in heat prostration cases.~~ Section kept in section 004 as modified.

~~180-004.04 Licensed veterinary technicians or unlicensed veterinary assistants are not permitted to do any of the following:~~

Section kept in section 004 as modified.

~~1. Make a diagnosis or prognosis;~~ Section kept in section 004 as modified.

~~2. Prescribe any treatment, drugs, medications or appliances;~~ Section kept in section 004 as modified.

~~3. Perform surgery;~~ Section kept in section 004 as modified.

~~4. Administer Rabies vaccine.~~ Section kept in section 004 as modified.

180-005 EXAMINATION ELIGIBILITY

~~180-005.01 To be eligible to take the North American Veterinary Licensing Examination for Nebraska, an applicant must submit to the Department:~~

- ~~1. A written request to the Department requesting authorization to sit for the NAVLE stating date of specific testing window requested;~~
- ~~2. A completed application for licensure pursuant to 172 NAC 180-003.01A item 5.a;~~
- ~~3. Submit one of the following to the Department if enrolled in or a graduate of an accredited school or college of veterinary medicine and surgery:
 - ~~a. Official verification from an accredited school or college of veterinary medicine and surgery certifying that s/he is a student in good standing and will be within eight months of his/her expected graduation date from any date within the next testing window for the NAVLE; or~~
 - ~~b. A certified final transcript from an accredited school or college of veterinary medicine and surgery showing graduation from the school or college.~~~~
- ~~4. Submit the following if a graduate of a veterinary school or college that is not accredited:
 - ~~a. Official verification of Certification by an approved program that determines educational equivalence; or official verification that applicant is enrolled in an approved program that determines educational equivalence, has successfully completed the English language proficiency requirement of that Program, and is in good standing with that Program; and~~
 - ~~b. Official verification from a school or college of veterinary medicine and surgery certifying that s/he is a student in good standing and will be within eight months of his/her expected graduation date from any date within the next testing window for the NAVLE; or a certified final transcript from a school or college of veterinary medicine and surgery showing graduation from the school or college.~~~~
- ~~5. A completed Nebraska State Jurisprudence Examination;~~
- ~~6. A valid verification of age; and~~
- ~~7. The required licensure fee.~~

~~180-005.02 Applications for authorization to sit for the NAVLE are due to the Department no later than 60 days prior to the first date of each testing window.~~

~~180-006 PROCEDURES FOR RENEWAL OF A LICENSE: All licenses to practice veterinary medicine and surgery issued by the Department under the Act and these regulations expire on April 1 of each even-numbered year. Beginning April 1, 2004 all licenses to practice as a veterinary technician issued by the Department under the Act and these regulations expire on April 1 of each even-numbered year. Section moved to section 005 as modified.~~

~~180-006.01 Renewal Process: Any licensee who wishes to renew his/her license must:~~

- ~~1. Meet the continuing competency requirements pursuant to 172 NAC 180-008;~~
- ~~2. Pay the renewal fee pursuant to 172 NAC 180-013;~~

~~3. Respond to the following questions:~~

- ~~a. Has your license in any profession in another state been revoked, suspended, limited or disciplined in any manner?~~
- ~~b. Have you been convicted of a misdemeanor or felony?~~

~~These questions relate to the time period since the last renewal of the license or during the time period since initial licensure in Nebraska if such occurred within the two years prior to the license expiration date.~~

~~4. Cause to be submitted to the Department:~~

- ~~a. The renewal notice;~~
- ~~b. The renewal fee;~~
- ~~c. Attestation of completing the continuing competency requirement pursuant to 172 NAC 180-008 earned within 24 months of the date of expiration or application for waiver of continuing competency; Attestation to meeting continuing competency requirements satisfies the submission of the documentation requirement of Neb. Rev. Stat. §71-110;~~
- ~~d. If any disciplinary action was taken against the applicant's license by another state, an official copy of the disciplinary action, including charges and disposition;~~
- ~~e. If the licensee has been convicted of a felony or misdemeanor:
 - ~~(1) Official Court Record, which includes charges and disposition;~~
 - ~~(2) Copies of arrest records;~~
 - ~~(3) A letter from the licensee explaining the nature of the conviction;~~
 - ~~(4) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and~~
 - ~~(5) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.~~~~

~~180-006.02 First Notice: At least 30 days before April 1 of each even-numbered year, the Department will send a renewal notice by means of regular mail to each licensee at the licensee's last place of residence as noted in the records of the Department. It is the responsibility of the licensee prior to the renewal period to notify the Department of any name and/or address changes.~~

~~_____~~ 180-006.02A The renewal notice must specify:

- ~~_____~~ 1. The name of the licensee;
- ~~_____~~ 2. The licensee's last known address of record;
- ~~_____~~ 3. The license number;
- ~~_____~~ 4. The expiration date of the license;
- ~~_____~~ 5. The renewal fee as prescribed in 172 NAC 180-013;
- ~~_____~~ 6. The type of continuing competency required for renewal; and
- ~~_____~~ 7. The option to place the license on either inactive or lapsed status.

~~_____~~ 180-006.02B The licensee must apply for renewal by submitting to the Department:

- ~~_____~~ 1. The renewal notice;
- ~~_____~~ 2. The renewal fee;
- ~~_____~~ 3. The licensee's social security number;
- ~~_____~~ 4. Attestation of completing the continuing competency requirement pursuant to 172 NAC 180-008 within 24 months of the date of expiration or application for waiver of continuing competency; and
- ~~_____~~ 5. Documentation relating to misdemeanor or felony conviction(s) or licensure ~~_____~~ revocation, suspension, limitation or disciplinary action (if applicable).

~~_____~~ 180-006.02C If the licensee wishes to place his/her license on inactive or lapsed status s/he must:

- ~~_____~~ 1. Request that his/her license be placed on inactive status by submitting to the Department:
 - ~~_____~~ a. The renewal notice with a check in the box marked inactive; and
 - ~~_____~~ b. The fee of \$25; or
- ~~_____~~ 2. Request that his/her license be placed on lapsed status by submitting to the Department:
 - ~~_____~~ a. The renewal notice with a check in the box marked lapsed.

~~_____~~ 180-006.02D The Department will notify the licensee in writing of the acceptance or denial of the request to allow the license to be placed on lapsed or inactive status.

~~_____~~ 180-006.03 Second Notice: The Department will send to each licensee who fails to renew his/her license or place the license on inactive or lapsed status in response to the first notice, a second notice of renewal pursuant to 172 NAC 180-006.01 that specify:

- ~~_____~~ 1. That the licensee failed to pay the renewal fee;
- ~~_____~~ 2. That the license has expired;
- ~~_____~~ 3. That the licensee is subject to an administrative penalty pursuant to 172 NAC 180-014 if s/he practices after the expiration date;

- ~~_____~~ 4. ~~That upon receipt of the renewal fee, together with an additional late fee of \$25, and documentation of completing the continuing competency requirement within that time, no order of revocation will be entered; and~~
- ~~_____~~ 5. ~~That upon failure to receive \$25 in addition to the regular fee, and documentation of continuing competency, the license will be revoked pursuant to 172 NAC 180-007.~~

~~180-006.03A~~ ~~The licensee must apply for renewal by submitting to the Department:~~

- ~~_____~~ 1. ~~The renewal notice;~~
- ~~_____~~ 2. ~~The renewal fee and the additional late fee of \$25;~~
- ~~_____~~ 3. ~~The licensee's social security number;~~
- ~~_____~~ 4. ~~Attestation by the licensee:~~
 - ~~(1) That s/he has not practiced in Nebraska since the expiration of his/her license; or~~
 - ~~(2) To the actual number of days practiced in Nebraska since the expiration of his/her license.~~
- ~~_____~~ 5. ~~Attestation of completing the continuing competency requirement earned within 24 months of the date of expiration or application for waiver of continuing competency; and~~
- ~~_____~~ 6. ~~Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation or disciplinary action (if applicable).~~

~~180-006.03B~~ ~~If the licensee wishes to place his/her license on either inactive or lapsed status s/he must:~~

- ~~_____~~ 1. ~~Request that his/her license be placed on inactive status by submitting to the Department:~~
 - ~~a. The renewal notice with a check in the box marked inactive; and~~
 - ~~b. The fee of \$25; or~~
- ~~_____~~ 2. ~~Request that his/her license be placed on lapsed status by submitting to the Department:~~
 - ~~a. The renewal notice with a check in the box marked lapsed.~~

~~180-006.03C~~ ~~The Department will notify the licensee in writing of the acceptance or denial of the request to allow the license to be placed on lapsed or inactive status.~~

~~180-006.04~~ ~~When any licensee fails, within 30 days of expiration of a license, to pay the renewal fee, to submit documentation of continuing competency, and/or to pay an additional late fee of \$25, the Department will automatically revoke the license without further notice hearing and make proper record of the revocation.~~

~~180-006.05~~ Failure to meet the continuing competency requirement for renewal within 30 days of expiration of his/her license will constitute non-renewal of a license, unless a waiver of continuing competency is granted or the license is placed on inactive or lapsed status. When any licensee fails within 30 days of expiration of a license, to meet the continuing competency requirements for renewal, and pay an additional late fee of \$25, the Department revokes the license after notice and opportunity for hearing. Hearings held before the Department will be conducted in accordance with Neb. Rev. Stat. §§ 84-901 to 84-920, Administrative Procedure Act and 184 NAC 1, Rules of Practice and Procedure of the Department.

~~180-006.06~~ When the licensee has given notification to the Department that s/he desires to have the license lapse or be placed on inactive status upon expiration, 172 NAC 180-006.04 and 180-006.05 will not apply.

~~180-006.07~~ The Department may refuse to renew a license for falsification of any information submitted for renewal of a license. The refusal must be made pursuant to Neb. Rev. Stat. §§ 71-149 to 71-155 and 184 NAC 1 Rules of Practice and Procedure of the Department.

~~180-006.08~~ An individual who practices after expiration of his/her credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 180-014, or such other action as provided in the statutes and regulations governing the credential.

~~180-007 LICENSURE REVOCATION FOR FAILURE TO MEET RENEWAL REQUIREMENTS:~~
The Department revokes a license within 30 days of its expiration when the licensee fails to meet the renewal requirements.

~~_____ 180-007.01 Revocation for Non-payment of Renewal Fee~~

~~_____ 180-007.01A~~ When a licensee fails to pay the required renewal fee or fails to request that his/her license be placed on either inactive or lapsed status within 30 days of its expiration, the Department automatically revokes the license without further notice or a hearing.

~~_____ 180-007.01A1~~ The revocation notice specifies that the:

- ~~_____ 1.~~ Licensee was given first and second notice of renewal requirements and the respective dates for these notices;
- ~~_____ 2.~~ Licensee failed to renew the license or to request that his/her license be placed on inactive or lapsed status;
- ~~_____ 3.~~ Department has revoked the license;
- ~~_____ 4.~~ Licensee has a right to appeal the revocation; and
- ~~_____ 5.~~ Licensee has a right to reinstatement of the license.

~~_____ 180-007.02 Revocation for Failure to Meet Continuing Competency Requirements~~

~~_____ 180-007.02A~~ When a licensee fails within 30 days of the expiration of his/her license to meet the continuing competency requirement for licensure renewal, the Department revokes his/her license after notice and opportunity for a hearing.

_____ 007.02A1 The revocation notice for failure to meet the continuing competency requirement specifies that the:

- _____ 1. _____ Licensee was given first and second notice of failure to meet the continuing education requirement and the respective dates of each notice;
- _____ 2. _____ Licensee either failed to renew the license or to have his/her license placed on inactive or lapsed status;
- _____ 3. _____ Department will revoke the license within 30 days of the date of the notice unless the licensee requests in writing a hearing;
- _____ 4. _____ Licensee has a right to appeal the revocation; and
- _____ 5. _____ Licensee has a right to reinstatement of the license.

180-008 CONTINUING COMPETENCY Section moved to section 006 as modified

_____ 180-008.01 General Requirements for Licensee: As a condition for renewal of license, each veterinarian and veterinary technician who is licensed in the State of Nebraska must complete one or a combination of the following continuing competency requirements within the renewal period immediately preceding the license renewal date. Section moved to section 006 as modified

180-008.01A Initial Board Certification or Re-Certification by an AVMA-recognized veterinary specialty organization, obtained during the renewal period immediately preceding the license renewal date, meets the entire requirement for continuing competency for that renewal period. Section moved to section 006 as modified

180-008.01B Professional Certification, as approved in advance by the Board, obtained during the renewal period immediately preceding the license renewal date. Professional certification meets the requirement for continuing competency according to the number of hours of classwork, study time, or other time required to be completed by the practitioner in order to obtain the certification, to be determined in advance by the Board. The following is the number of hours for professional certification that are required to meet the entire requirement for continuing competency for that renewal period: Section moved to section 006 as modified

_____ 1. _____ Veterinarians — 32 hours of approved professional certification. Section moved to section 006 as modified

_____ 2. _____ Veterinary Technicians — beginning April 1, 2006 and for all subsequent renewals — 16 hours of approved professional certification. Section moved to section 006 as modified

_____ 180-008.01C Refresher Courses, as approved in advance by the Board, meet the requirement for continuing competency according to the number of hours attended. Section moved to section 006 as modified

The following is the number of hours of refresher courses that are required to meet the entire requirement for continuing competency for that renewal period:

1. ~~Veterinarians – 32 hours of approved refresher courses.~~
2. ~~Veterinary Technicians – beginning April 1, 2006 and for all subsequent renewals – 16 hours of approved refresher courses.~~

~~180-008.01D – Inservice Training, as approved in advance by the Board, meets the requirement for continuing competency according to the number of hours attended. Section moved to section 006 as modified~~

The following is the number of hours of inservice training that are required to meet the entire requirement for continuing competency for that renewal period:

1. ~~Veterinarians – 32 hours of approved inservice training.~~
2. ~~Veterinary Technicians – beginning April 1, 2006 and for all subsequent renewals – 16 hours of approved inservice training.~~

~~180-008.01E – Clinical Rotations, as approved in advance by the Board, meet the requirement for continuing competency according to the number of hours attended. Section moved to section 006 as modified~~

The following is the number of hours of clinical rotations that are required to meet the entire requirement for continuing competency for that renewal period:

1. ~~Veterinarians – 32 hours of approved clinical rotations.~~
2. ~~Veterinary Technicians – beginning April 1, 2006 and for all subsequent renewals – 16 hours of approved clinical rotations.~~

~~180-008.01F – Combinations of approved continuing competency meet the requirement for continuing competency according to the number of hours attended. The following is the total number of hours of continuing competency that are required to meet the entire requirement for continuing competency for that renewal period:~~

1. ~~Veterinarians – 32 hours total of a combination of approved continuing competency activities.~~
2. ~~Veterinary Technicians – beginning April 1, 2006 and for all subsequent renewals – 16 hours total of a combination of approved continuing competency activities.~~

~~180-008.01G – Continuing Education meets the requirement for continuing competency according to the number of hours attended. The following is the number of hours of approved continuing education that are required to meet the entire requirement for continuing competency for that renewal period:~~

1. ~~Veterinarians – 32 hours of approved continuing education.~~

2. ~~Veterinary Technicians beginning April 1, 2006 and for all subsequent renewals 16 hours of approved continuing education.~~

~~180-008.01G1 Types of continuing education programs acceptable for continuing competency credit include, but are not limited to:~~ **Section moved to section 006 as modified**

1. ~~State, National, and District meetings, i.e., a meeting of the Nebraska Veterinary Medical Association (NVMA) or a veterinary association in any other state, the Nebraska Veterinary Technician Association (NVTA), or a veterinary technician association in any other state, the Nebraska Academy of Veterinary Medicine (NAVVM), the American Veterinary Medical Association (AVMA), the American Association of Bovine Practitioners (AABP), the American Association of Equine Practitioners (AAEP), the American Association of Swine Practitioners (AASP), the American Association of Laboratory Animal Practitioners (AALAP), the American Animal Hospital Association (AAHA), or any satellite organization related to any of the associations listed above:~~ **Section moved to section 006 as modified**

- a. ~~One hour credit for each hour of attendance, and only the portion of such meeting which meets the definition of continuing education can be approved for credit.~~ **Section moved to section 006 as modified**

2. ~~Formal education courses which relate directly to the practice of veterinary medicine and surgery or veterinary technology:~~ **Section moved to section 006 as modified**

- a. ~~One hour credit for each hour of attendance.~~ **Section moved to section 006 as modified**

3. ~~Veterinary and veterinary technology continuing education courses sponsored by accredited colleges of veterinary medicine and surgery or veterinary technology:~~ **Section moved to section 006 as modified**

- a. ~~One hour credit for each hour of attendance.~~ **Section moved to section 006 as modified**

4. ~~Home study courses with a testing mechanism that is scored by the provider or their designee. Licensee will be given credit for home study courses for a maximum of ¼ of the total number of hours required for each renewal period.~~ **Section moved to section 006 as modified**

~~a. One hour credit for each hour of study; no more than ¼ of the total number of hours required for each renewal period. Section moved to section 006 as modified~~

~~5. Programs approved by the AAVSB Registry of Approved Continuing Education (RACE) which are related to the practice of veterinary medicine and surgery or veterinary technology. Section moved to section 006 as modified~~

~~a. One hour credit for each hour of attendance. Section moved to section 006 as modified~~

~~6. Practice management programs. Licensee will be given credit for practice management programs for a maximum of ¼ of the total number of hours required for each renewal period. Section moved to section 006 as modified~~

~~a. One hour credit for each hour of attendance; no more than ¼ of the total number of hours required for each renewal period. Section moved to section 006 as modified~~

~~A presenter may receive credit for only the initial presentation during a renewal period. Credit will not be given for subsequent presentations of the same program. Section moved to section 006 as modified~~

~~7.~~

~~180-008.02 As A Condition For Renewal Of License, The Licensee Must:~~

~~180-008.02A Submit to the Department an attestation that s/he has met the continuing competency requirement for the renewal period immediately preceding the license renewal date.~~

~~180-008.02B Maintain in his/her personal files the certificates or records of credit from acceptable continuing competency activities attended.~~

~~180-008.03 Criteria for Acceptable Continuing Competency Activities:~~

~~180-008.03A In addition to meeting the specifications for type of program 172 NAG 180-008.01, to be acceptable for license renewal, a continuing competency activity must also meet the following criteria:~~

~~1. The activity must be at least one hour in duration; Section moved to section 006 as modified~~

~~2. The topic and/or objectives must relate directly to the practice of veterinary medicine and surgery or veterinary technology; Section moved to section 006 as modified~~

~~3. The presenter of the activity must be qualified by education, experience or training; and~~ Section moved to section 006 as modified

~~4. Activities must be open to all veterinarians or veterinary technicians licensed in Nebraska.~~ Section moved to section 006 as modified

~~180-008.04 Approval of Continuing Competency Activities: Either a provider or a licensee may apply for approval of a continuing competency activity. The approval is granted by the Department and means that the activity has been determined by the Board to meet the criteria for acceptable continuing competency. Approval prior to the renewal date is optional for continuing education, but is provided by the Board as a service to providers and/or licensees who wish to determine if a program meets the criteria for acceptable continuing education. Approval prior to completion of the activity is required for continuing competency activities other than continuing education.~~ Section moved to section 006 as modified

~~180-008.04A A provider or licensee may submit information about the continuing competency activity to the Board on an application provided by the Department or on an alternate format. Only applications which are complete will be considered.~~ Section moved to section 006 as modified

~~180-008.04A1 The following information must be included in the application:~~ Section moved to section 006 as modified

~~1. A description of activity content and/or objectives;~~ Section moved to section 006 as modified

~~2. A general description of the qualifications of each presenter;~~ Section moved to section 006 as modified

~~3. The number of hours for which approval is requested, if applicable;~~ Section moved to section 006 as modified

~~4. The name, address, and telephone number of the provider's program planner;~~ Section moved to section 006 as modified

~~5. A description of the process the provider uses to verify attendance by the licensee;~~ Section moved to section 006 as modified

~~6. A sample copy of the documentation the provider issues to the licensee as proof of attendance at the activity; and~~ Section moved to section 006 as modified

~~a. Certificates verifying attendance at approved activities must contain at least the following information:~~ Section moved to section 006 as modified

~~(1) Name of the activity;~~ Section moved to section 006 as modified

~~(2) Name of the provider;~~ Section moved to section 006 as modified

~~(3) Name of the licensee who attended the course;~~ Section moved to section 006 as modified

~~(4) Number of credit hours earned (actually attended) by the licensee, if applicable; and~~ Section moved to section 006 as modified

~~(5) Date(s) the course was attended by the licensee.~~ Section moved to section 006 as modified

~~7. Location of program.~~ Section moved to section 006 as modified

~~180-008.04A2 The provider may submit additional documents or information as considered relevant to the application and in compliance with the provisions of 172 NAC 180.~~ Section moved to section 006 as modified

~~180-008.04A3 The provider must submit a complete application to the Department at least 45 days prior to the date on which the program is to be given to gain approval before the activity is presented.~~ Section moved to section 006 as modified

~~180-008.04A4 Once a provider is granted approval for a continuing competency activity, reapproval is not required for each subsequent occasion on which the activity is administered so long as the program is not changed or the laws and regulations governing continuing competency are not changed. If any portion of the activity is changed, reapplication must be made in accordance with 172 NAC 180-008 if continued approval is desired.~~ Section moved to section 006 as modified

~~180-008.04A5 After being granted written approval of the application, the provider is entitled to state upon any publication which advertises or announces the program, the following statement: "This program is approved for ___ hours of continuing competency by the Nebraska Department of Health and Human Services Regulation and Licensure."~~ Section moved to section 006 as modified

~~_____ 180-008.04A6 Post-Program Approval Applications for approval of a continuing education program may be made after the program has occurred. Types of continuing competency other than continuing education must be approved in advance of completion of the activity. Section moved to section 006 as modified~~

~~_____ 180-008.04B Denial of Continuing Competency Activities. Section moved to section 006 as modified~~

~~_____ 180-008.04B1 The Department will, upon the recommendation of the Board, deny an application for approval of a continuing competency activity or will suspend or revoke approval of a continuing competency activity on any of the following grounds: Section moved to section 006 as modified~~

~~_____ 1. Fraud or misrepresentation of information in an application; Section moved to section 006 as modified~~

~~_____ 2. The program fails to meet the criteria for acceptable continuing competency set forth in 172 NAC 180-008.01 and 180-008.03. Section moved to section 006 as modified~~

~~_____ 180-008.04B2 An application for approval of continuing competency activities may be approved or denied. Should an application for a continuing competency activity be denied, the applicant will be sent a notice setting forth the reasons for the determination to the last address of record in the Department. Section moved to section 006 as modified~~

~~_____ 180-008.04B2a Denial of an application will become final 15 days after the mailing of the notice unless the provider, within such 15 day period, will give written notice to the Department of a desire for hearing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1 of the Rules of Practice and Procedure for the Department. Section moved to section 006 as modified~~

~~_____ 180-008.05 Waiver of Continuing Competency: The Department, on the recommendation of the Board, may waive the continuing competency requirements, in whole or in part, for any renewal period or for the period of time when a licensee submits documentation that circumstances beyond his/her control prevented the completion of the requirements.~~

~~_____ 180-008.05A The circumstances include situations in which the licensee:~~

~~_____ 1. Holds a Nebraska license but is not practicing veterinary medicine and surgery or as a veterinary technician in Nebraska; or~~

- ~~_____~~ 2. ~~Has been in the service of the regular armed forces of the United States during any part of the 24 months immediately preceding the license renewal date; or~~
- ~~_____~~ 3. ~~Has been suffering from a serious or disabling illness or physical disability which prevented completion of the required continuing competency during the 24 months immediately preceding the license renewal date; or~~
- ~~_____~~ 4. ~~Has been first licensed within 24 months immediately preceding the renewal date.~~

~~_____~~ 180-008.05B Application for Waiver of Continuing Competency: Any licensee who seeks a waiver of continuing competency, in part or in total, for any renewal period must apply to the Department. The Department, on the recommendation of the Board, may waive continuing competency requirements in part or in total for any renewal period. The licensee must submit:

- ~~_____~~ 1. ~~A verified, complete application for waiver of continuing competency on a form provided by the Department or on an alternate format which includes the following information. Only applications which are complete will be considered, and the application must be received by the Department on or before April 1 of the year the license is subject to renewal.~~
 - ~~_____~~ a. ~~Name of licensee;~~
 - ~~_____~~ b. ~~License number;~~
 - ~~_____~~ c. ~~State and county where the person signing the affidavit is located;~~
 - ~~_____~~ d. ~~Number of continuing competency hours, requested to be waived;~~
 - ~~_____~~ e. ~~Reason for requesting a waiver; and~~
 - ~~_____~~ f. ~~A signed statement from the applicant that the statements on the application are true and complete.~~
- ~~_____~~ 2. ~~Documentation of the circumstances beyond the licensee's control which prevented completion of continuing competency requirements must include the following:~~
 - ~~_____~~ a. ~~If the licensee holds a Nebraska license but has not resided or practiced in Nebraska during any part of the preceding 24 months, s/he must indicate this waiver option on the application.~~
 - ~~_____~~ b. ~~If the licensee has served in the regular armed forces of the United States during part of the 24 months immediately preceding the license renewal date, s/he must indicate this waiver option and submit official documentation stating the dates of the service.~~
 - ~~_____~~ c. ~~If the licensee has suffered from a serious or disabling illness or physical disability which prevented completion of the required number of hours of continuing competency during the 24 months immediately preceding the license renewal date, s/he must indicate this waiver option and submit a statement from a treating physician(s) stating that the licensee was injured or ill, the duration~~

~~of the illness or injury and of the recovery period, and that the licensee was unable to attend continuing competency activities during that period.~~

~~d. If the licensee was first licensed within the 24 months immediately preceding the license renewal date, s/he must indicate this waiver option and list the date the license was issued.~~

~~180-008.05C The Department, on recommendation of the Board, may grant or deny, in part or in total, an application for waiver of continuing competency requirements, upon proof that circumstances beyond the applicant's control prevented completion of the requirements.~~

~~180-008.05C1 When the Department determines to deny an application for waiver of continuing competency requirements, it will send to the applicant by United States mail to the last name and address of record in the Department, a notice setting forth the reason for the denial determination.~~

~~1. The applicant has 30 days from the date of the denial notice to make a written request to the Department for an appeal. The appeal must be conducted in accordance with the Administrative Procedure Act and 184 NAC 1 of the Rules of Practice and Procedure for the Department.~~

~~2. The Department will issue at the conclusion of the appeal under 184 NAC 1, a final order setting forth the results of the appeal.~~

~~180-008.05C2 When the Department determines to grant a waiver of continuing competency, the applicant will be notified within 30 days of receipt of the application.~~

~~180-008.06 Audit of Continuing Competency: The Board may biennially select, in a random manner, a sample of the license renewal applications for audit of continuing competency credits. Each licensee is responsible for maintaining in his/her personal files the certificates or records of credit from acceptable continuing competency activities. Licensees selected for audit are required to produce documentation of meeting the continuing competency requirement for that renewal period.~~

~~180-008.06A The Department will send to each licensee selected for audit a notice of audit.~~

~~180-008.06B When selected for audit, the licensee must provide satisfactory documentation of meeting the continuing competency requirement for the renewal period.~~

~~180-008.06C Failure to comply with the audit may be grounds for non-renewal of the license.~~

~~180-009 GROUND ON WHICH THE DEPARTMENT MAY DENY, REFUSE RENEWAL OF OR DISCIPLINE A LICENSE:~~

- ~~_____~~ 180-009.01 The Department will deny an application for a license when the applicant fails to meet the requirements for licensure pursuant to 172 NAC 180-003 or is found to be in violation of any of the provisions of 172 NAC 180-009.03.
- ~~_____~~ 180-009.02 The Department will refuse renewal of a license if the licensee fails to meet the requirements pursuant to 172 NAC 180-006, 180-008 or 180-009.03.
- ~~_____~~ 180-009.03 The Department may deny, refuse renewal of, limit, suspend, or revoke licenses for any of the following grounds:
- ~~_____~~ 1. ~~_____~~ Fraud, forgery, or misrepresentation of material facts, in procuring or attempting to procure a license.
 - ~~_____~~ 2. ~~_____~~ Grossly immoral or dishonorable conduct evidencing unfitness or lack of proficiency sufficient to meet the standards required for practice of the profession in this state.
 - ~~_____~~ 3. ~~_____~~ Habitual intoxication or dependence or failure to comply with a treatment program or an aftercare program entered into under the Licensee Assistance Program established pursuant to Neb. Rev. Stat. § 71-172.01.
 - ~~_____~~ 4. ~~_____~~ Conviction of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction and which, if committed within this state, would have constituted a misdemeanor or felony under state law and which has a rational connection with the applicant's, or licensee's fitness or capacity to practice the profession.
 - ~~_____~~ 5. ~~_____~~ Practice of the profession (a) fraudulently, (b) beyond its authorized scope, (c) with manifest incapacity, (d) with gross incompetence or gross negligence, or (e) in a pattern of negligent conduct. Pattern of negligent conduct means a continued course of negligent conduct in performing the duties of the profession.
 - ~~_____~~ 6. ~~_____~~ Practice of the profession while the ability to practice is impaired by alcohol, controlled substances, narcotic drugs, physical disability, mental disability, or emotional disability.
 - ~~_____~~ 7. ~~_____~~ Physical or mental incapacity to practice the profession as evidenced by a legal adjudication or a determination thereof by other lawful means.
 - ~~_____~~ 8. ~~_____~~ Permitting, aiding, or abetting the practice of a profession or the performance of activities requiring a license or certificate by a person not licensed or certified to do so.
 - ~~_____~~ 9. ~~_____~~ Having had his/her license, certificate, or registration denied, refused renewal, limited, suspended, or revoked or having had the license, certificate, or registration disciplined in any other manner in accordance with Neb. Rev. Stat. §71-155 by another state or jurisdiction to practice the particular profession involved, based upon acts by the applicant or licensee similar to acts described in 172 NAC 180-009. A certified copy of the record of denial, refusal of renewal,

~~limitation, suspension, or revocation of a license, certificate, or registration or the taking of other disciplinary measures against it by another state or jurisdiction shall be conclusive evidence.~~

- ~~10. Unprofessional conduct, which term includes all acts specified in Neb. Rev. Stat. § 71-148 and such other acts as may be defined in rules and regulations adopted and promulgated by the Board with the approval of the Department.~~
- ~~11. Use of untruthful or improbable statements, or flamboyant, exaggerated, or extravagant claims concerning the licensee's professional excellence or abilities, in advertisements.~~
- ~~12. Conviction of fraudulent or misleading advertising or conviction of a violation of the Uniform Deceptive Trade Practices Act.~~
- ~~13. Distribution of intoxicating liquors, controlled substances or drugs for any other than lawful purposes.~~
- ~~14. Willful or repeated violations of the Uniform Licensing Law or 172 NAC 180.~~
- ~~15. Unlawful invasion of the field of practice of any profession mentioned in the Uniform Licensing Law which the licensee is not licensed to practice.~~
- ~~16. Practicing the profession of veterinary medicine and surgery or as a veterinary technician while his/her license is suspended or in contravention of any limitation placed upon his/her license.~~
- ~~17. Physical or mental illness or physical or mental deterioration or disability which would render the applicant or licensee unqualified to practice his/her profession or occupation.~~
- ~~18. Refusal of an applicant for a license or a licensee to submit to a physical or mental examination request by the Board, pursuant to Neb. Rev. Stat. §§ 71-161.12 to 71-161.16 to determine his/her qualifications to practice or to continue in the practice of the profession or occupation for which application was made or for which s/he is licensed.~~
- ~~19. Violation of the Uniform Controlled Substances Act or any rules and regulations adopted pursuant to the act.~~
- ~~20. Failure to file a report required by Neb. Rev. Stat. § 71-168.~~

~~180-009.04 If the Department proposes to deny, refuse renewal of, limit, revoke, or suspend the license of any licensee, the applicant or licensee must be given an opportunity for a hearing before the Department and will have the right to present evidence on his/her own behalf. Hearings before the Department will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, Rules of Practice and Procedure of the Department.~~

~~180-010 RE-CREDENTIALING: This section applies to individuals previously issued a Nebraska credential who have lost the legal authority to practice in total or in part and who seek the authority to return to practice in Nebraska with a valid Nebraska credential. Section moved to section 008 as modified~~

~~180-010.01 Eligibility~~

~~180-010.01A An individual whose credential has been previously:~~

- ~~1. Placed on lapsed status;~~
- ~~2. Placed on inactive status;~~
- ~~3. Revoked for failure to meet the renewal requirements;~~
- ~~4. Suspended or limited for disciplinary reasons; or~~
- ~~5. Voluntarily surrendered or voluntarily limited for an indefinite period of time;~~

~~may request, at any time, to be re-credentialed and re-authorized to practice under the credential, in accord with these regulations.~~

~~180-010.01B An individual whose credential has been revoked for disciplinary reasons may apply for reinstatement only after a period of two years has elapsed from the date of revocation.~~

~~180-010.01C An individual who practices prior to re-credentialing, is subject to:~~

- ~~1. Assessment of an Administrative Penalty pursuant to 172 NAC 180-014; and~~
- ~~2. Limitation or other sanction on the credential, or denial of the request to be re-credentialed and re-authorized to practice under the credential, and referral for prosecution for uncredentialed practice, as provided in the statutes and regulations governing the credential.~~

~~180-010.02 Requirements for Restoration from Lapsed Status: A person whose credential has been placed on lapsed status may have their credential restored from lapsed to active status by the Department upon proof to the Department that they meet the requirements pursuant to 172 NAC 180-003.~~

~~180-010.02A If the Department has evidence that an applicant has practiced while his/her credential was lapsed, the Department may:~~

- ~~1. Assess an Administrative Penalty pursuant to 172 NAC 180-014;~~
- ~~2. Initiate disciplinary action against the lapsed credential;~~
- ~~3. Deny the request to restore the credential from lapsed to active status; or~~
- ~~4. Restore the credential to active status and impose limitation(s) or other sanctions on the credential.~~

~~180-010.02B If the Department has evidence that an applicant has committed any other violation of the statutes and regulations governing the credential, the~~

Department may:

1. ~~_____~~ Deny the request to restore the credential from lapsed to active status;
or
2. ~~_____~~ Restore the credential to active status and impose limitations(s) or other sanctions on the credential.

~~_____~~
~~_____~~ 180-010.02C The Department will act within 150 days on all completed applications.

~~_____~~ 180-010.02D The applicant will be provided with notice and the opportunity for hearing in accord with the Department's rules of Practice and Procedure and Neb. Rev. Stat. §§ 84-901 to 84-920 before any of the actions pursuant to 172 NAC 180-010.02A and 180-010.02B are final.

~~_____~~ 180-010.03 Requirements to Move a Credential from Inactive Status to Active Status: A person whose credential has been placed on inactive status may have his/her credential moved from inactive to active status upon proof to the Department that they meet the following requirements:

1. ~~_____~~ Meet renewal requirements, including:

- ~~_____~~ a. ~~_____~~ The continuing competency requirements;
- ~~_____~~ b. ~~_____~~ Paying the renewal fee and any other applicable fees.

2. ~~_____~~ Attest:

- ~~_____~~ a. ~~_____~~ That s/he has not practiced in Nebraska since s/he last held an active credential; or
- ~~_____~~ b. ~~_____~~ To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.

~~_____~~ 180-010.04 Procedures for Moving from Inactive to Active Status: To move a credential from inactive status to active status, the applicant must submit the following to the Department:

1. ~~_____~~ A written application which contains the following information about the applicant:

- ~~_____~~ a. ~~_____~~ Name;
- ~~_____~~ b. ~~_____~~ Address;
- ~~_____~~ c. ~~_____~~ Social security number; and
- ~~_____~~ d. ~~_____~~ If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
- ~~_____~~ e. ~~_____~~ List your professional practice activities since your credential was placed on inactive status;
- ~~_____~~ f. ~~_____~~ Answer the following questions either yes or no; if you answer yes explain the circumstances and outcome. These questions pertain to the time period since your credential was active.

(1) ~~_____~~ Has any state or territory of the U.S. taken any of the following

- actions against your credential?
~~_____ Denied _____ Suspended _____ Revoked _____ Limited~~
- (2) ~~Has any licensing or disciplinary authority taken any of the following actions against your credential?
~~_____ Limited _____ Suspended _____ Restricted _____ Revoked~~~~
- (3) ~~Has any licensing or disciplinary authority placed your credential on probation?~~
- (4) ~~Have you voluntarily surrendered a credential issued to you by a licensing or disciplinary authority?~~
- (5) ~~Have you voluntarily limited in any way a credential issued to you by a licensing or disciplinary authority?~~
- (6) ~~Have you been requested to appear before any licensing agency?~~
- (7) ~~Have you been notified of any charges or complaints filed against you by any licensing or disciplinary authority or criminal prosecution authority?~~
- (8) ~~Are you aware of any pending disciplinary actions against your credential in any jurisdiction?~~
- (9) ~~Are you aware of any on-going investigations of a disciplinary complaint against your credential in any jurisdiction?~~
- (10) ~~Have you been addicted to, dependent upon or chronically impaired by alcohol, narcotics, barbiturates, or other drugs which may cause physical and/or psychological dependence?~~
- (11) ~~Have you voluntarily entered or been involuntarily admitted to an institution or health care facility for treatment of a mental or emotional disorder/condition?~~
- (12) ~~Have you been diagnosed with or treated for bipolar disorder, schizophrenia, or any psychotic disorder?~~
- (13) ~~Have you been convicted of a felony?~~
- (14) ~~Have you been convicted of a misdemeanor?~~
- (15) ~~Have you been denied a Federal Drug Enforcement Administration (DEA) Registration or state controlled substances registration?~~
- (16) ~~Have you been called before any licensing agency or lawful authority concerned with DEA controlled substances?~~
- (17) ~~Have you surrendered your state or federal controlled substances registration?~~
- (18) ~~Have you had your state or federal controlled substances registration restricted in any way?~~
- (19) ~~Have you been notified of any malpractice claim against you?~~
- (20) ~~Has any action or proceeding of a civil nature been brought against you concerning care or treatment of an animal, regardless of whether or not such action or proceeding was ultimately withdrawn, dismissed, settled or resulted in a judgement?~~

g. ~~A statement describing all:~~

- (1) ~~Felony or misdemeanor convictions during the time period since the credential was active;~~

~~(a) If the applicant has been convicted of a felony or misdemeanor, provide copies of:~~

~~[1] Official Court Record, which includes charges and disposition;~~

~~[2] Arrest records;~~

~~[3] A letter from the applicant explaining the nature of the conviction;~~

~~[4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and~~

~~[5] A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.~~

~~(2) Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential was active;~~

~~(a) If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and~~

~~(3) Disciplinary charges pending against any professional credential held by the applicant.~~

~~_____ h. Attestation that the continuing competency requirements for renewal have been met;~~

~~2. The renewal fee and any other applicable fees;~~

~~3. Attestation by applicant:~~

~~a. That s/he has not practiced in Nebraska since s/he last held an active credential; or~~

~~b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.~~

~~_____ 180-010.04A If an applicant has practiced while his/her credential was inactive, the Department may:~~

~~1. Assess an Administrative Penalty pursuant to 172 NAC 180-014;~~

~~2. Initial disciplinary action against the credential;~~

~~3. Deny the request to move the credential from inactive to active status; or~~

~~4. Move the credential to active status and impose limitation(s) or other sanctions on the credential.~~

~~_____ 180-010.04B If an applicant has committed any other violation of the statutes and regulations governing the credential, the Department may:~~

- ~~1. Initiate disciplinary action against the credential;~~
- ~~2. Deny the request to move the credential from inactive to active status; or~~
- ~~3. Move the credential to active status and impose limitation(s) or other sanctions on the credential.~~

~~180-010.04C In either event pursuant to 180-010.04A or 180-010.04B, a notice and the opportunity for hearing will be given to the applicant.~~

~~180-010.04D The Department will act within 150 days on all completed applications.~~

~~180-010.05 Requirements for Reinstatement Within One Year Following Revocation for Failure to Meet the Renewal Requirements: An applicant for reinstatement who applies not more than one year following revocation for failure to meet the renewal requirements must:~~

~~1. Meet the renewal requirements, including:~~

- ~~_____ a. The continuing competency requirements;~~
- ~~_____ b. Paying the renewal fee, the late fee of \$35 and any other applicable fees.~~

~~2. Attest:~~

- ~~_____ a. That s/he has not practiced in Nebraska since s/he last held an active credential; or~~
- ~~_____ b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.~~

~~180-010.06 Procedures for Reinstatement Within One Year Following Revocation for Failure to Meet the Renewal Requirements: To reinstate a credential not more than one year following revocation for failure to meet renewal requirements, the applicant must submit the following to the Department:~~

~~1. A written application which contains the following information about the applicant:~~

- ~~_____ a. Name;~~
- ~~_____ b. Address;~~
- ~~_____ c. Social security number; and~~
- ~~_____ d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;~~
- ~~_____ e. List your professional practice activities since your credential was revoked.~~
- ~~_____ f. Answer the following questions either yes or no; if you answer yes explain the circumstances and outcome. These questions pertain to the time period since your credential was active.~~

~~(1) Has any state or territory of the U.S. taken any of the following actions against your credential?~~

~~_____ Denied _____ Suspended _____ Revoked _____ Limited~~

~~(2) Has any licensing or disciplinary authority taken any of the following actions against your credential?~~

~~_____ Limited _____ Suspended _____ Restricted _____ Revoked~~

~~(3) Has any licensing or disciplinary authority placed your credential on probation?~~

~~(4) Have you voluntarily surrendered a credential issued to you by a licensing or disciplinary authority?~~

~~(5) Have you voluntarily limited in any way a credential issued to you by a licensing or disciplinary authority?~~

~~(6) Have you been requested to appear before any licensing agency?~~

~~(7) Have you been notified of any charges or complaints filed against~~

- you by any licensing or disciplinary authority or criminal prosecution authority?
- ~~(8) Are you aware of any pending disciplinary actions against your credential in any jurisdiction?~~
 - ~~(9) Are you aware of any on-going investigations of a disciplinary complaint against your credential in any jurisdiction?~~
 - ~~(10) Have you been addicted to, dependent upon or chronically impaired by alcohol, narcotics, barbiturates, or other drugs which may cause physical and/or psychological dependence?~~
 - ~~(11) Have you voluntarily entered or been involuntarily admitted to an institution or health care facility for treatment of a mental or emotional disorder/condition?~~
 - ~~(12) Have you been diagnosed with or treated for bipolar disorder, schizophrenia, or any psychotic disorder?~~
 - ~~(13) Have you been convicted of a felony?~~
 - ~~(14) Have you been convicted of a misdemeanor?~~
 - ~~(15) Have you been denied a Federal Drug Enforcement Administration (DEA) Registration or state controlled substances registration?~~
 - ~~(16) Have you been called before any licensing agency or lawful authority concerned with DEA controlled substances?~~
 - ~~(17) Have you surrendered your state or federal controlled substances registration?~~
 - ~~(18) Have you had your state or federal controlled substances registration restricted in any way?~~
 - ~~(19) Have you been notified of any malpractice claim against you?~~
 - ~~(20) Has any action or proceeding of a civil nature been brought against you concerning care or treatment of an animal, regardless of whether or not such action or proceeding was ultimately withdrawn, dismissed, settled or resulted in a judgment?~~

~~g. A statement describing all:~~

- ~~(1) Felony or misdemeanor convictions during the time period since the credential was active;~~
 - ~~(a) If the applicant has been convicted of a felony or misdemeanor, provide copies of :
 - ~~[1] Official Court Record, which includes charges and disposition;~~
 - ~~[2] Arrest records;~~
 - ~~[3] A letter from the applicant explaining the nature of the conviction;~~
 - ~~[4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and~~
 - ~~[5] A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.~~~~

~~(2) Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential was revoked;~~

~~(a) If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and~~

~~(3) Disciplinary charges pending against any professional credential held by the applicant.~~

~~h. Attestation that the continuing competency requirements for renewal have been met;~~

~~_____ 2. The renewal fee, the late fee of \$35 and any other applicable fees.~~

~~3. Attestation by the applicant:~~

~~a. That s/he has not practiced in Nebraska since s/he last held an active credential; or~~

~~b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.~~

~~(1) If an applicant has practiced after his/her credential was revoked the Department may assess an Administrative Penalty pursuant to 172 NAC 180-014 in which case a notice and opportunity for hearing will be sent to the applicant.~~

~~(2) If an applicant has practiced after his/her credential was revoked, or has committed any other violation of the statutes and regulations governing the credential, other action may be taken as provided in 172 NAC 180-010.06B.~~

~~The Department will forward the application to the Board for its recommendation pursuant to Neb. Rev. Stat. § 71-110 (5).~~

~~_____ 180-010.06A The Board's recommendation to the Department may be to:~~

~~1. Reinstatement the credential;~~

~~2. Reinstatement the credential with terms, conditions or restrictions; or~~

~~3. Deny the reinstatement.~~

~~180-010.06B Upon receipt of the Board's recommendation, the Department will, within 150 days, send to the applicant a written notice of the Department's response. The Department may:~~

~~1. Reinstatement the credential. An Administrative Penalty may be assessed pursuant to 172 NAC 180-014 if warranted;~~

~~2. If the Department determines that the applicant has committed acts or offenses prohibited by Neb. Rev. Stat. §§ 71-147 or 71-148, the~~

Department may:

- a. ~~Reinstate the credential with terms, conditions or restrictions. In such case the applicant will be provided notice and the opportunity for hearing before the Department pursuant to the Department's Rules of Practice and Procedure and Neb. Rev. Stat. §§ 84-901 to 84-920. An Administrative Penalty may be assessed pursuant to 172 NAC 180-014 if warranted; or~~
- b. ~~Deny the reinstatement. In such case the applicant will be provided notice and the opportunity for hearing before the Department pursuant to the Department's Rules of Practice and Procedure and Neb. Rev. Stat. §§ 84-901 to 84-920.~~

~~180-010.07 Requirements for Reinstatement More Than One Year Following Revocation for Failure to Meet the Renewal Requirements: An applicant for reinstatement who applies more than one year after revocation for failure to meet the renewal requirements must:~~

~~1. Petition the Board for reinstatement as prescribed in Neb. Rev. Stat. § 71-161.05. The petition for reinstatement must be accompanied by:~~

- a. ~~Verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was revoked; and~~
- b. ~~Verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was revoked.~~

~~2. Meet the renewal requirements, including:~~

- a. ~~The continuing competency requirements; and~~
- b. ~~Paying the renewal fee, the late fee of \$75 and any other applicable fees.~~

~~3. Attest:~~

- a. ~~That s/he has not practiced in Nebraska since s/he last held an active credential; or~~
- b. ~~To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.~~

~~180-010.08 Procedures for Reinstatement More Than One Year Following Revocation for Failure to Meet Renewal Requirements: An applicant for reinstatement more than one year following revocation for failure to meet renewal requirements must submit to the Board:~~

~~1. A petition for reinstatement:~~

- a. ~~Stating the reason the petitioner believes his/her credential should be reinstated;~~
- b. ~~Accompanied by verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential~~

~~was revoked; and verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was revoked.~~

~~c. Containing the following information about the applicant:~~

- ~~_____ (1) Name;~~
- ~~_____ (2) Address;~~
- ~~_____ (3) Social security number; and~~
- ~~(4) If the petitioner holds a professional credential in another state, a list of the state(s) and type of credential;~~
- ~~(5) List your professional practice activities since your license was revoked.~~
- ~~(6) Answer the following questions either yes or no; if you answer yes explain the circumstances and outcome. These questions pertain to the time period since your credential was active.~~
 - ~~(a) Has any state or territory of the U.S. taken any of the following actions against your credential?
_____ Denied _____ Suspended _____ Revoked _____ Limited~~
 - ~~(b) Has any licensing or disciplinary authority taken any of the following actions against your credential?
_____ Limited _____ Suspended _____ Restricted _____ Revoked~~
 - ~~(c) Has any licensing or disciplinary authority placed your credential on probation?~~
 - ~~(d) Have you voluntarily surrendered a credential issued to you by a licensing or disciplinary authority?~~
 - ~~(e) Have you voluntarily limited in any way a credential issued to you by a licensing or disciplinary authority?~~
 - ~~(f) Have you been requested to appear before any licensing agency?~~
 - ~~(g) Have you been notified of any charges or complaints filed against you by any licensing or disciplinary authority or criminal prosecution authority?~~
 - ~~(h) Are you aware of any pending disciplinary actions against your credential in any jurisdiction?~~
 - ~~(i) Are you aware of any on-going investigations of a disciplinary complaint against your credential in any jurisdiction?~~
 - ~~(j) Have you been addicted to, dependent upon or chronically impaired by alcohol, narcotics, barbiturates, or other drugs which may cause physical and/or psychological dependence?~~
 - ~~(k) Have you voluntarily entered or been involuntarily admitted to an institution or health care facility for treatment of a mental or emotional disorder/condition?~~
 - ~~(l) Have you been diagnosed with or treated for bipolar disorder, schizophrenia, or any psychotic disorder?~~
 - ~~(m) Have you been convicted of a felony?~~
 - ~~(n) Have you been convicted of a misdemeanor?~~
 - ~~(o) Have you been denied a Federal Drug Enforcement~~

~~Administration (DEA) Registration or state controlled substances registration?~~

- ~~(p) Have you been called before any licensing agency or lawful authority concerned with DEA controlled substances?~~
- ~~(q) Have you surrendered your state or federal controlled substances registration?~~
- ~~(r) Have you had your state or federal controlled substances registration restricted in any way?~~
- ~~(s) Have you been notified of any malpractice claim against you?~~
- ~~(t) Has any action or proceeding of a civil nature been brought against you concerning care or treatment of an animal, regardless of whether or not such action or proceeding was ultimately withdrawn, dismissed, settled or resulted in a judgement?~~

~~(7) A statement describing all:~~

- ~~(a) Felony or misdemeanor convictions during the time period since the credential was active;~~

~~[1] If the applicant has been convicted of a felony or misdemeanor, provide copies of:~~

- ~~_____ [a] Official Court Record, which includes charges and disposition;~~
- ~~_____ [b] Arrest records;~~
- ~~_____ [c] A letter from the applicant explaining the nature of the conviction;~~
- ~~_____ [d] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and~~
- ~~_____ [e] A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.~~

- ~~(b) Revocations, suspensions, or other disciplinary actions against any health care professional credential held by the applicant during the time period since the credential was revoked; and~~

~~[1] If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and~~

- ~~(c) Disciplinary charges pending against any professional credential held by the petitioner.~~

~~_____~~ (8) ~~Attestation that the continuing competency requirements for renewal have been met.~~

~~_____~~ 2. ~~The renewal fee, the late fee of \$75 and any other applicable fees.~~

~~_____~~ 3. ~~Attestation by the petitioner:~~

~~_____~~ a. ~~That s/he has not practiced in Nebraska since s/he last held an active credential; or~~

~~_____~~ b. ~~To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.~~

~~(1) If a petitioner has practiced after his/her credential was revoked the Department may assess an Administrative Penalty pursuant to 172 NAC 180-014 in which case a notice and opportunity for hearing will be sent to the petitioner.~~

~~(2) If a petitioner has practiced after his/her credential was revoked, or has committed any other violation of the statutes and regulations governing the credential, other action may be taken as provided in 172 NAC 180-010.08F.~~

~~_____~~ 180-010.08A ~~The petition to recommend reinstatement will be considered at the next meeting of the Board that is held, but not earlier than 30 days after the petition is filed.~~

~~_____~~ 180-010.08B ~~Any petition to recommend reinstatement of a credential will be conclusively acted upon by the Board within 180 days after the filing of a properly prepared petition and the necessary accompanying documents with the Board.~~

~~_____~~ 180-010.08C ~~If the Board recommends reinstatement of the credential, no public hearing need be held on the petition.~~

~~_____~~ 180-010.08D ~~Prior to any recommendation by the Board against reinstatement of the credential, an opportunity for a formal public hearing on the petition must be granted by the Board, if formally requested by the petitioner.~~

~~_____~~ 180-010.08D1 ~~The petitioner's request for a formal hearing must be submitted within 30 days of the Board's notification of an opportunity for a formal public hearing.~~

~~_____~~ 180-010.08E ~~If the petitioner formally requests a formal public hearing or if the Board otherwise holds such a hearing, the petitioner will be given at least 30 days prior notice by sending to the petitioner a copy of the notice of hearing by certified or registered mail at his/her last known residence or business post office address as shown by the files or records of the Department or as otherwise known. Notice may be given to the petitioner by personal service. The hearing will be conducted pursuant to 172 NAC 1.~~

~~_____~~ 180-010.08F ~~The Board will review the petition to recommend reinstatement and the record of any hearing held, and submits its recommendation regarding reinstatement and the record on which such recommendation is made to the Department within 180 days of receipt of the petition to recommend reinstatement.~~

~~_____~~ 180-010.08F1 If the Board recommends reinstatement of the credential, the Department may:

- ~~_____~~ 1. ~~Accept the Board's recommendation and grant reinstatement of the credential.~~
- ~~_____~~ 2. ~~If the Department determines that the Board's recommendation is: in excess of statutory authority; made upon unlawful procedure; unsupported by competent, material, and substantial evidence; or arbitrary or capricious, the department may not accept the Board's recommendation and either:~~
 - ~~_____~~ a. ~~Deny reinstatement of the credential; or~~
 - ~~_____~~ b. ~~Grant reinstatement with terms, conditions, or restrictions.~~

~~_____~~ 180-010.08F2 ~~If the Board recommends denial of reinstatement, the Board will send to the petitioner a written notice of the Board's recommendation. The petitioner may appeal the Board's decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.~~

~~_____~~ 180-010.08F3 ~~If the Board recommends reinstatement with terms, conditions, or restrictions, the Department may:~~

- ~~_____~~ 1. ~~Accept the Board's recommendation and grant reinstatement with terms, conditions, or restrictions; or~~
- ~~_____~~ 2. ~~Not accept the Board's recommendation and either:~~
 - ~~_____~~ a. ~~Deny reinstatement of the credential; or~~
 - ~~_____~~ b. ~~Grant reinstatement of the credential.~~

~~_____~~ 180-010.08F4 ~~The Department will, within 150 days of receipt of the Board's recommendation, send to the petitioner a written notice of the Department's reinstatement with or without terms, conditions, or restrictions or denial of reinstatement of the credential.~~

~~_____~~ 180-010.08F5 ~~The petitioner may appeal the Department's decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.~~

~~_____~~ 180-010.09 ~~Requirements to Reinstate a Credential Following Suspension, Limitation, or Revocation for Disciplinary Reasons: An applicant for reinstatement following suspension, limitation, or revocation for disciplinary reasons must meet the following requirements:~~

- ~~_____~~ 1. ~~Petition the Board for reinstatement;~~
 - ~~_____~~ a. ~~The petition for reinstatement must be accompanied by verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked; and~~
 - ~~_____~~ b. ~~Verified recommendations from at least two citizens each having personal~~

~~knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked.~~

- ~~2. Pay the reinstatement fee of \$75, and other profession-specific requirements if expressly set by laws;~~
- ~~3. If the credential was revoked or suspended, attest:
 - ~~a. That s/he has not practiced in Nebraska since s/he last held an active credential; or~~
 - ~~b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.~~~~

~~180-010.10 Procedures for Reinstatement Following Suspension, Limitation, or Revocation for Disciplinary Reasons: An applicant for reinstatement following suspension, limitation, or revocation for disciplinary reasons must submit to the Board:~~

- ~~1. A petition for reinstatement:
 - ~~a. Stating the reason the petitioner believes his/her credential should be reinstated;~~
 - ~~b. Accompanied by verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked; and verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked.~~
 - ~~c. Containing the following information about the petitioner:
 - ~~(1) Name;~~
 - ~~(2) Address;~~
 - ~~(3) Social security number; and~~
 - ~~(4) If the petitioner holds a professional credential in another state, a list of the state(s) and type of credential;~~
 - ~~(5) List your professional activities since your credential was suspended, limited or revoked;~~
 - ~~(6) Answer the following questions either yes or no; if you answer yes explain the circumstances and outcome. These questions pertain to the time period since your credential was active.
 - ~~(a) Has any state or territory of the U.S. taken any of the following actions against your credential?
~~Denied Suspended Revoked Limited~~~~
 - ~~(b) Has any licensing or disciplinary authority taken any of the following actions against your credential?
~~Limited Suspended Restricted Revoked~~~~
 - ~~(c) Has any licensing or disciplinary authority placed your credential on probation?~~
 - ~~(d) Have you voluntarily surrendered a credential issued to you by a licensing or disciplinary authority?~~
 - ~~(e) Have you voluntarily limited in any way a credential issued to~~~~~~~~

- ~~_____~~ you by a licensing or disciplinary authority?
- ~~(f) _____~~ Have you been requested to appear before
~~_____~~ any licensing agency?
- ~~(g) _____~~ Have you been notified of any charges or complaints filed
against you by any licensing or disciplinary authority or
criminal prosecution authority?
- ~~(h) _____~~ Are you aware of any pending disciplinary actions against
your credential in any jurisdiction?
- ~~(i) _____~~ Are you aware of any on-going investigations of a
disciplinary complaint against your credential in any
jurisdiction?
- ~~(j) _____~~ Have you been addicted to, dependent upon or chronically
impaired by alcohol, narcotics, barbiturates, or other drugs
which may cause physical and/or psychological
dependence?
- ~~(k) _____~~ Have you voluntarily entered or been involuntarily admitted
to an institution or health care facility for treatment of a
mental or emotional disorder/condition?
- ~~(l) _____~~ Have you been diagnosed with or treated for bipolar
disorder, schizophrenia, or any psychotic disorder?
- ~~(m) _____~~ Have you been convicted of a felony?
- ~~(n) _____~~ Have you been convicted of a misdemeanor?
- ~~(o) _____~~ Have you been denied a Federal Drug Enforcement
Administration (DEA) Registration or state controlled
substances registration?
- ~~(p) _____~~ Have you been called before any licensing agency or lawful
authority concerned with DEA controlled substances?
- ~~(q) _____~~ Have you surrendered your state or federal controlled
substances registration?
- ~~(r) _____~~ Have you had your state or federal controlled substances
registration restricted in any way?
- ~~(s) _____~~ Have you been notified of any malpractice claim against
you?
- ~~(t) _____~~ Has any action or proceeding of a civil nature been brought
against you concerning care or treatment of an animal,
regardless of whether or not such action or proceeding was
ultimately withdrawn, dismissed, settled or resulted in a
judgement?

~~_____ (7) _____~~ A statement describing all:

- ~~(a) _____~~ Felony or misdemeanor convictions during the time period
since the credential was suspended, limited, or revoked;

~~_____ [1] _____~~ If the petitioner has been convicted of a felony or
misdemeanor, provide copies of:

~~_____ [a] _____~~ Official Court Record, which includes charges
and disposition;

~~_____ [b] _____~~ Arrest records;

- ~~_____ [c] A letter from the petitioner explaining the nature of the conviction;~~
- ~~_____ [d] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and~~
- ~~_____ [e] A letter from the probation officer addressing probationary conditions and current status, if the petitioner is currently on probation.~~

~~(b) Revocations, suspensions, or other disciplinary actions against any professional credential held by the petitioner during the time period since the credential was suspended, limited, or revoked;~~

- ~~_____ [1] If any disciplinary action was taken against the petitioner's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and~~

~~(c) Disciplinary charges pending against any professional credential held by the petitioner;~~

~~(8) Any continuing competency activities.~~

- ~~_____ 2. The reinstatement fee of \$75;~~
- ~~_____ 3. Attestation by the petitioner, if the credential was revoked or suspended:~~

- ~~_____ a. That s/he has not practiced in Nebraska since s/he last held an active credential; or~~
- ~~_____ b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.~~

~~_____ (1) If a petitioner has practiced after his/her credential was revoked the Department may assess an Administrative Penalty pursuant to 172 NAC 180-014 in which case a separate notice and opportunity for hearing will be sent to the petitioner.~~

~~_____ (2) If a petitioner has practiced after his/her credential was revoked, or has committed any other violation of the statutes and regulations governing the credential, other action may be taken as provided in 172 NAC 180-010.10G.~~

~~_____ 180-010.10A The Board will make a recommendation to the Director regarding reinstatement following disciplinary action. In determining whether reinstatement should be recommended, the Board may:~~

- ~~_____ 1. Request the Department investigate all activities of the petitioner since the disciplinary action was taken against him/her, including activities prohibited by Neb. Rev. Stat. §§71-147 and 71-148;~~
- ~~_____ 2. Require the petitioner to submit to a complete diagnostic examination by~~

one or more physicians appointed by the Board, the petitioner being free also to consult a physician or physicians of his/her own choice for a complete diagnostic examination and make available a report or reports thereof to the Board;

3. Require the petitioner to pass a written, oral, or practical examination or any combination of such examinations; or

4. Require the petitioner to complete additional education.

~~180-010.10B~~ The petition to recommend reinstatement will be considered at the next meeting of the Board that is held, but not earlier than 30 days after the petition is filed.

~~180-010.10C~~ Any petition to recommend reinstatement of a credential will be conclusively acted upon by the Board within 180 days after the filing of a properly prepared petition and the necessary accompanying documents with the Board.

~~180-010.10D~~ If the Board recommends reinstatement of the credential, no public hearing need be held on the petition.

~~180-010.10E~~ Prior to any recommendation by the Board against reinstatement of the credential, an opportunity for a formal public hearing on the petition must be granted by the Board, if formally requested by the petitioner.

~~180-010.10E1~~ The petitioner's request for a formal hearing must be submitted within 30 days of the Board's notification of an opportunity for a formal public hearing.

~~180-010.10E2~~ If the petitioner had a hearing or an opportunity for a hearing on a prior petition to recommend reinstatement filed pursuant to Neb. Rev. Stat. § 71-161.04 within a period of two years immediately preceding the filing of the current petition, the Board may grant or deny, without a hearing, the current petition to recommend reinstatement filed pursuant to Neb. Rev. Stat. § 71-161.04.

~~180-010.10F~~ If the petitioner formally requests a formal public hearing or if the Board otherwise holds such a hearing, the petitioner will be given at least 30 days prior notice by sending to the petitioner a copy of the notice of hearing by certified or registered mail at his/her last known residence or business post office address as shown by the files or records of the Department or as otherwise known. Notice may be given to the petitioner by personal service. The hearing will be conducted pursuant to 172 NAC 1.

~~180-010.10G~~ The Board reviews the petition to recommend reinstatement, any examination or investigatory information and the record of hearing, if one was held. The Board will submit its recommendation to the Director within 180 days of receipt of the petition to recommend reinstatement.

~~180-010.10G1~~ If the Board recommends reinstatement of the credential:

1. The Board will send its recommendation to the petitioner by certified mail along with notification that the petitioner must file an application for reinstatement with the Director.

- ~~_____~~ 2. The petitioner must submit, to the Department, an application for reinstatement by the Director within 30 days of receipt of the Board's recommendation.
 - ~~_____~~ a. The application must include:
 - ~~_____~~ (1) Name of the petitioner; and
 - ~~_____~~ (2) Signed statement that the petitioner requests the Director to issue the credential in accordance with the Board's recommendation for reinstatement.
 - ~~_____~~ 3. Upon receipt of the application for reinstatement from the petitioner, the Department will submit the following to the Director:
 - ~~_____~~ a. The application;
 - ~~_____~~ b. The written recommendation of the Board, including any finding of fact or order of the Board;
 - ~~_____~~ c. The petition submitted to the Board;
 - ~~_____~~ d. The record of hearing, if any;
 - ~~_____~~ e. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the petitioner.
 - ~~_____~~ 4. The Director will issue a decision regarding reinstatement within 150 days of receipt of the petitioner's application for reinstatement. The Director's decision will be based upon a review of the record of the proceedings before the Board. The Director will not hold a second hearing. The Director may affirm, reverse or modify the Board's recommendation. A decision by the Director to reverse or modify the Board's recommendation will be based on finding that the Board's recommendation is: in excess of statutory authority, made upon unlawful procedure, unsupported by competent, material, and substantial evidence in view of the entire record, or arbitrary or capricious.
 - ~~_____~~ a. When the Director affirms, modifies or reverses the Board's recommendation for reinstatement, the Director will enter an Order setting forth the decision regarding reinstatement of the petitioner's credential. The order will be sent by certified mail to the petitioner;
 - ~~_____~~ b. If the petitioner does not accept the Director's decision, s/he may appeal such decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.
- ~~_____~~ 180-010.10G2 If the Board recommends reinstatement of the credential with terms, conditions, or restrictions:
- ~~_____~~ 1. The Board will send its recommendation to the petitioner by certified mail along with notification that the petitioner must file an application for reinstatement with the Director.

- ~~_____~~ 2. The petitioner must submit, to the Department, an application for reinstatement by the Director within 30 days of receipt of the Board's recommendation.
 - ~~_____~~ a. The application must include:
 - ~~_____~~ (1) Name of the petitioner; and
 - ~~_____~~ (2) Signed statement that the petitioner requests the Director to issue the credential in accordance with the Board's recommendation for reinstatement.
 - ~~_____~~ 3. Upon receipt of the application for reinstatement from the petitioner, the Department will submit the following to the Director:
 - ~~_____~~ a. The application;
 - ~~_____~~ b. The written recommendation of the Board, including any finding of fact or order of the Board;
 - ~~_____~~ c. The petition submitted to the Board;
 - ~~_____~~ d. The record of hearing, if any;
 - ~~_____~~ e. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the petitioner.
 - ~~_____~~ 4. The Director will issue a decision regarding reinstatement within 150 days of receipt of the petitioner's application for reinstatement. The Director's decision will be based upon a review of the record of the proceedings before the Board. The Director will not hold a second hearing. The Director may affirm, reverse or modify the Board's recommendation. A decision by the Director to reverse or modify the Board's recommendation will be based on finding that the Board's recommendation is: in excess of statutory authority, made upon unlawful procedure, unsupported by competent, material, and substantial evidence in view of the entire record, or arbitrary or capricious.
 - ~~_____~~ a. When the Director affirms, modifies or reverses the Board's recommendation for reinstatement, the Director will enter an Order setting forth the decision regarding reinstatement of the petitioner's credential. The order will be sent by certified mail to the petitioner;
 - ~~_____~~ b. If the petitioner does not accept the Director's decision, s/he may appeal such decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.
- ~~_____~~ 180-010.10G3 If the Board denies reinstatement, the Board will send to the petitioner a written notice of the Board's recommendation to deny reinstatement. The petitioner may appeal the Board's decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

180-010.11 Procedures for Restoration of Credentials Voluntarily Surrendered or Limited

for an Indefinite Period of Time.

~~180-010.11A~~ Credentials voluntarily surrendered or limited for an indefinite period of time pursuant to Neb. Rev. Stat. §71-161.11 may be restored at the discretion of the Department.

~~180-010.11A1~~ An applicant for restoration of a credential that was voluntarily surrendered or limited for an indefinite period of time must submit to the Department:

1. A written application which contains the following information about the applicant:

- _____ a. Name;
- _____ b. Address;
- _____ c. Social security number; and
- _____ d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
- _____ e. Answer the following questions either yes or no; if you answer yes explain the circumstances and outcome. These questions pertain to the time period since your credential was active.

(1) Has any state or territory of the U.S. taken any of the following actions against your credential?

_____ Denied _____ Suspended _____ Revoked _____ Limited

(2) Has any licensing or disciplinary authority taken any of the following actions against your credential?

_____ Limited _____ Suspended _____ Restricted _____ Revoked

(3) Has any licensing or disciplinary authority placed your credential on probation?

(4) Have you voluntarily surrendered a credential issued to you by a licensing or disciplinary authority?

(5) Have you voluntarily limited in any way a credential issued to you by a licensing or disciplinary authority?

(6) Have you been requested to appear before any licensing agency?

(7) Have you been notified of any charges or complaints filed against you by any licensing or disciplinary authority or criminal prosecution authority?

(8) Are you aware of any pending disciplinary actions against your credential in any jurisdiction?

(9) Are you aware of any on-going investigations of a disciplinary complaint against your credential in any jurisdiction?

(10) Have you been addicted to, dependent upon or chronically impaired by alcohol, narcotics, barbiturates, or other drugs which may cause physical and/or psychological dependence?

(11) Have you voluntarily entered or been involuntarily

admitted to an institution or health care facility for
treatment of a mental or emotional disorder/condition?

~~(12) Have you been diagnosed with or treated for bipolar
disorder, schizophrenia, or any psychotic disorder?~~

~~(13) Have you been convicted of a felony?~~

~~_____ (14) Have you been convicted of a misdemeanor?~~

~~(15) Have you been denied a Federal Drug Enforcement
Administration (DEA) Registration or state controlled
substances registration?~~

~~(16) Have you been called before any licensing agency or
lawful authority concerned with DEA controlled
substances?~~

~~(17) Have you surrendered your state or federal controlled
substances registration?~~

~~(18) Have you had your state or federal controlled
substances registration restricted in any way?~~

~~(19) Have you been notified of any malpractice claim
against _____ you?~~

~~(20) Has any action or proceeding of a civil nature been
brought against you concerning care or treatment of an
animal, regardless of whether or not such action or
proceeding was ultimately withdrawn, dismissed,
settled or resulted in a judgement?~~

~~_____ f. _____ A statement describing all:~~

~~(1) _____ Felony or misdemeanor convictions during the time
period since the credential was active;~~

~~_____ (a) _____ If the applicant has been convicted of a felony or
misdemeanor, provide copies of: _____~~

~~_____ [1] _____ Official Court Record, which includes
charges and disposition;~~

~~_____ [2] _____ Arrest records;~~

~~_____ [3] _____ A letter from the applicant explaining the
nature of the conviction;~~

~~_____ [4] _____ All addiction/mental health evaluations and
proof of treatment, if the conviction
_____ involved a drug and/or alcohol
related offense and if treatment was
obtained and/or required; and~~

~~_____ [5] _____ A letter from the probation officer
addressing probationary conditions and
current status, if the applicant is currently
on probation.~~

~~_____ (2) _____ Revocations, suspensions, or other disciplinary actions
against any professional credential held by the
applicant during the time period since the credential~~

~~_____~~ was active;

~~_____~~ (a) ~~_____~~ If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and

~~_____~~ (3) ~~_____~~ Disciplinary charges pending against any professional credential held by the applicant.

~~_____~~ g. ~~_____~~ Any continuing competency activities.

~~_____~~ h. ~~_____~~ Attest:

~~_____~~ (1) ~~_____~~ That s/he has not practiced in Nebraska prior to the voluntary surrender of her/his credential; or

~~_____~~ (2) ~~_____~~ To the actual number of days practiced if the applicant has practiced in Nebraska prior to the voluntary surrender of her/his credential.

~~_____~~ 180-010.11A2 ~~_____~~ If an applicant has practiced while his/her credential was voluntarily surrendered, the Department may:

- ~~_____~~ 1. ~~_____~~ Assess an Administrative Penalty pursuant to 172 NAC 180-014;
- ~~_____~~ 2. ~~_____~~ Initiate disciplinary action against the credential;
- ~~_____~~ 3. ~~_____~~ Deny the request to restore the credential; or
- ~~_____~~ 4. ~~_____~~ Restore the credential to active status and impose limitation(s) or other sanctions on the credential.

~~_____~~ 180-010.11A3 ~~_____~~ If an applicant has committed any other violation of the statutes and regulations governing the credential while his/her credential was voluntarily surrendered or limited, the Department may:

- ~~_____~~ 1. ~~_____~~ Initiate disciplinary action against the credential;
- ~~_____~~ 2. ~~_____~~ Deny the request for restoration of the credential; or
- ~~_____~~ 3. ~~_____~~ Restore the credential to active status and impose limitation(s) or other sanctions on the credential.

~~_____~~ 180-010.11A4 ~~_____~~ In either event pursuant to 172 NAC 180-010.11A2 or 180-010.11A3, a notice and the opportunity for hearing will be given to the applicant.

~~_____~~ 180-010.11A5 ~~_____~~ The Department will act within 150 days on all completed applications.

~~_____~~ 180-010.12 ~~_____~~ Procedures for Restoration of Credentials Voluntarily Surrendered or Limited for a Specific and Definite Period of Time.

~~_____~~ 180-010.12A ~~_____~~ Credentials voluntarily surrendered or limited for a specific and definite period of time as agreed to between the holder and Department pursuant to Neb. Rev. Stat. § 71-161.11, will be automatically restored at the expiration of that period

of time.

~~180-010.12B~~ If an individual has practiced while his/her credential was voluntarily surrendered for a specific and definite period of time, the Department may assess an Administrative Penalty pursuant to 172 NAC 180-014.

~~180-010.13~~ Credentials Voluntarily Surrendered or Limited Permanently.

~~180-010.13A~~ Credentials that are voluntarily surrendered or limited permanently pursuant to Neb. Rev. Stat. § 71-161.11 will not be restored.

~~180-011~~ **UNPROFESSIONAL CONDUCT:** In addition to the unlawful or unprofessional acts listed in Neb. Rev. Stat. §§ 71-147 – 71-148, the following conduct will be considered unprofessional acts as defined by the Board [Neb. Rev. Stat. §71-147(10)]: **Section moved to section 007 as modified**

1. ~~Conduct by a veterinarian, or a veterinary technician, that is likely to deceive, defraud, or harm the public;~~
2. ~~Making a false or misleading statement regarding his/her skill as a veterinarian, or as a veterinary technician, or the efficacy or value of the medicine, device, treatment, or remedy prescribed by him/her or used at his/her direction in the practice of veterinary medicine and surgery or, in his/her practice as a veterinary technician.~~ **Section moved to section 007 as modified**
3. ~~Gross negligence in the practice of veterinary medicine and surgery, or in the practice as a veterinary technician.~~
4. ~~Practice or other behavior that demonstrates a willful rendering of substandard care, either individually or as a part of a third-party reimbursement agreement or other agreement;~~ **Section moved to section 007 as modified**
5. ~~The use of any false, fraudulent, deceptive or misleading statement in any document pertaining to the practice of veterinary medicine and surgery, or practice as a veterinary technician.~~ **Section moved to section 007 as modified**
6. ~~Commission of any act of sexual abuse, misconduct, or exploitation related to the person's practice of veterinary medicine and surgery or practice as a veterinary technician;~~ **Section moved to section 007 as modified**
7. ~~Prescribing, selling, administering, or distributing, any drug legally classified as a controlled substance, other than with proper registration to prescribe controlled substances;~~ **Section moved to section 007 as modified**
8. ~~Diagnosing, treating, prescribing for or in any way providing medical care as described in Neb. Rev. Stat. §71-1,154(3)(a) for a human.~~

- ~~9. Conviction of any state or federal law or regulation relating to a drug legally classified as a controlled substance;~~
- ~~10. Conviction of any state or federal law or regulation relating to a drug legally classified as prohibited for use in food animals by the United States Drug Enforcement Agency;~~
- ~~11. Failure to report to the Department the relocation of any or all of his/her office(s) or place(s) of practice, in or out of the jurisdiction, within 90 days of such relocation;~~
- ~~12. Failure to furnish the Board, its investigators or representatives, information legally requested by the Board; Section moved to section 007 as modified~~
- ~~13. Willful or repeated violation of any provision(s) of Neb. Rev. Stat. §71-1,152.01 to 71-1,166 or any Rules and Regulations promulgated thereto;~~
- ~~14. To advertise in a manner that deceives, misleads, or defrauds the public. The following advertising practices will be considered to be deceptive: Section moved to section 007 as modified~~
 - ~~a. To advertise or promote any veterinary service as free or below the advertiser's or promoter's own cost without revealing in the advertising or promotion the minimum expenditure the consumer must incur in order to receive the service. If the consumer need not incur any expense to obtain the service, then the advertising or promotion must state that there is no minimum purchase required; Section moved to section 007 as modified~~
 - ~~b. To place in any advertisement a name which is different than the name that appears on the veterinarian's or veterinary technician's license;~~
 - ~~c. To fail to inform the patient of any time schedule within which a fee is to be effective, if the fee applies to a particular service for a given time; Section moved to section 007 as modified~~
 - ~~d. To fail to charge the same fee for a service as that which is advertised; Section moved to section 007 as modified~~
 - ~~e. To advertise that in exchange for a particular fee, a manifestly incurable disease can be permanently cured;~~
 - ~~f. To advertise or promote any veterinary service without plainly revealing in advertising or promotion the name(s) of all veterinary licensees practicing at the outlet(s) as described in Neb. Rev. Stat. §71-107;~~
 - ~~g. To advertise or promote any veterinary service with statements that cannot be verified, substantiated or measured; and Section moved to section 007 as modified~~
 - ~~h. To advertise or promote any veterinary service in violation of Neb. Rev. Stat. §§ 87-301 to 87-306, the Uniform Deceptive Trade Practices Act.~~

- ~~15. Failure to properly supervise licensed veterinary technicians or unlicensed assistants. Section moved to section 007 as modified~~
- ~~16. Failure to report to the Department the name of every person without a license or certification that s/he has reason to believe is engaging in the practice of any profession for which a license or certificate is required under the Uniform Licensing Law [Neb. Rev. Stat. §71-168];~~
- ~~17. Receiving or giving fees for professional services to any person in exchange for referring patients;~~
- ~~18. Failure to maintain treatment records for 3 years after the veterinarian's most recent contact with the client and/or patient. Section moved to section 007 as modified~~
- ~~19. Failure to comply with Neb. Rev. Stat. §§71-8401 to 71-8407 regarding access to medical records. Section moved to section 007 as modified~~
- ~~20. Noncompliance with the regulations 172 NAC 180-011 is considered unprofessional conduct as described in Neb. Rev. Stat. §71-147(10) and any licensee or person as defined herein in violation hereof will be subject to revocation of license or to other penalties as described in Neb. Rev. Stat. §§71-147 to 71-162.~~

180-012 Reserved

180-013 SCHEDULE OF FEES: The following fees have been set by the Department. Section moved to section 009 as modified

- ~~180-013.01 Initial Veterinary License Fee: By an applicant for a license to practice veterinary medicine and surgery, the fee of \$125 and the Licensee Assistance Program fee of \$1 for each year remaining during the current biennial renewal period.~~
- ~~180-013.02 Initial Veterinary License by Reciprocity Fee: By an applicant for a license, granted on the basis of a license granted by another state or territory, to practice veterinary medicine and surgery, the fee of \$125 and the Licensee Assistance Program fee of \$1 for each year remaining during the current biennial renewal period.~~
- ~~180-013.03 Proration of Initial Veterinary License Fee: For issuance of a license that will expire within 180 days after its initial issuance date, a fee of \$31.25 and the Licensee Assistance Program fee of \$1.~~
- ~~180-013.04 Initial Veterinary Technician License Fee: By an applicant for a license to practice as a veterinary technician, the fee of \$65 and the Licensee Assistance Program fee of \$1 for each year remaining during the current biennial renewal period.~~
- ~~180-013.05 Proration of Initial Veterinary Technician License Fee: For issuance of a license that will expire within 180 days after its initial issuance date, a fee of \$25.~~
- ~~180-013.06 Initial Temporary Veterinary License Fee: By an applicant for a temporary license to practice veterinary medicine and surgery, the fee of \$50.~~

~~_____~~ 180-013.07 Veterinary License Renewal Fee: By an applicant for renewal on a biennial basis of a license to practice veterinary medicine and surgery, the fee of \$100 and the Licensee Assistance Program fee of \$2.

~~_____~~ 180-013.08 Veterinary Technician Renewal Fee: By an applicant for renewal on a biennial basis of a license to practice as a veterinary technician, the fee of \$50 and the Licensee Assistance Program fee of \$2.

~~_____~~ 180-013.09 Inactive License Status Fee: By an applicant to have his/her license placed on inactive status, the fee of \$25.

~~_____~~ 180-013.10 Renewal Late Fee: By an applicant for renewal on a biennial basis of a license, who fails to pay the renewal fee on or before the expiration date of his/her license who fails to pay the renewal on or before the expiration date of his/her license, the fee of \$25 as a late fee in addition to the renewal fee.

~~_____~~ 180-013.11 Certification of License Fee: For issuance of a certification of a license, the fee of \$25. The certification includes information regarding:

- ~~_____~~ 1. The basis on which a license was issued;
- ~~_____~~ 2. The date of issuance;
- ~~_____~~ 3. Whether disciplinary action has been taken against the license; and
- ~~_____~~ 4. The current status of the license.

~~_____~~ 180-013.12 Verification of License Fee: For issuance of a verification of a license, the fee of \$5. The verification includes written confirmation as to whether a license was valid at the time the request was made.

~~_____~~ 180-013.13 Duplicate License Fee: For a duplicate of original license document or reissued license, the fee of \$10.

~~_____~~ 180-013.14 Administrative Fee: For a denied license or withdrawn application, the administrative fee of \$25 will be retained by the Department, except if the licensing fee is less than \$25, the fee will be forfeited and an examination fee will not be returned.

~~_____~~ 180-013.15 Reinstatement Late Fee: For reinstatement of a license: For failure to meet renewal requirements:

- ~~_____~~ 1. Within one year the fee of \$35 in addition to the renewal fee.
- ~~_____~~ 2. After one year of revocation, the fee of \$75 in addition to the renewal fee.

~~_____~~ 180-013.16 Reinstatement Fee: For reinstatement following suspension, limitation or revocation for disciplinary reasons, the fee of \$75.

~~_____~~ 180-014 ADMINISTRATIVE PENALTY: The Department may assess an administrative penalty when evidence exists that a person or entity practices without a credential. Practice without a credential for the purpose of this regulation means practice:

- ~~_____~~ 1. Prior to the issuance of a credential;
- ~~_____~~ 2. Following the expiration of a credential; or

~~3. Prior to the reinstatement of a credential.~~

~~180-014.01 Evidence of Practice: The Department will consider any of the following conditions as prima facie evidence of practice without a credential:~~

- ~~1. The person admits to engaging in practice;~~
- ~~2. Staffing records or other reports from the employer of the person indicate that the person was engaged in practice;~~
- ~~3. Billing or payment records document the provision of service, care, or treatment by the person;~~
- ~~4. Service, care, treatment records document the provision of service, care, or treatment by the person;~~
- ~~5. Appointment records indicate that the person was engaged in practice;~~
- ~~6. Other government records indicate that the person was engaged in practice; and~~
- ~~7. The person or entity opens a business or practice site and announces or advertises that the business or site is open to provide service, care, or treatment.~~

~~For purposes of this regulation prima facie evidence means a fact presumed to be true unless disproved by some evidence to the contrary.~~

~~180-014.02 Penalty: The Department may assess an administrative penalty in the amount of \$10 per day, not to exceed a total of \$1,000 for practice without a credential. To assess such penalty, the Department will:~~

- ~~1. Provide written notice of the assessment to the person. The notice will specify:
 - ~~a. The total amount of the administrative penalty;~~
 - ~~b. The evidence on which the administrative penalty is based;~~
 - ~~c. That the person may request, in writing, a hearing to contest the assessment of an administrative penalty;~~
 - ~~d. That the Department will within 30 days following receipt of payment of the administrative penalty, transmit the penalty to the State Treasurer for credit to the Permanent School Fund; and~~
 - ~~e. That an unpaid administrative penalty constitutes a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the District Court of the county in which the violator resides or owns property.~~~~
- ~~2. Send by certified mail, a written notice of the administrative penalty to the last known address of the person to whom the penalty is assessed.~~

~~180-014.03 Administrative Hearing: When a person contests the administrative penalty and requests a hearing, the Department will hold a hearing pursuant to Neb. Rev. Stat. §§84-901 to 84-920 and the Department's rules and regulations adopted pursuant to these statutes.~~

EFFECTIVE DATE _____ NEBRASKA HEALTH AND HUMAN SERVICES
JANUARY 15, 2005 _____ REGULATION AND LICENSURE _____ 172 NAG
180

Approved by the Attorney General on December 13, 2004
Approved by the Governor on January 10, 2005
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TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 182 LICENSURE OF ANIMAL THERAPISTS

001. SCOPE AND AUTHORITY. These regulations govern the licensure of animal therapists under the Nebraska Revised Statutes (Neb. Rev. Stats.) §§ 38-3301 to 38-3334 of the Veterinary Medicine and Surgery Practice Act, and the Uniform Credentialing Act. These regulations do not apply to:

- (A) Licensed veterinary technicians;
- (B) Unlicensed assistants working in veterinary medicine;
- (C) Any person who is solely engaged in equine, cat, and dog massage practice; or
- (C) Persons who hold a valid credential under the Uniform Credentialing Act and who consult with a licensed veterinarian or perform collaborative animal health care tasks on a patient under the care of such veterinarian if all such tasks are performed under the immediate supervision of such veterinarian.

002. DEFINITIONS. Definitions set out in the Veterinary Medicine and Surgery Practice Act, the Uniform Credentialing Act, 172 Nebraska Administrative Code (NAC) 10, and the following apply to this chapter.

002.01 ADEQUATE RECORDS. Legible records in either written or electronic form which contain, at a minimum, the date, patient, client, diagnosis or service provided, products given, data from tests performed and documentation of any client or agent consent.

003. LICENSE REQUIREMENTS. To obtain a license, an individual must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the licensing requirements of Neb. Rev. Stat. § 38-3321, 172 NAC 10, and this chapter.

003.01 QUALIFICATIONS. To receive a credential to practice as an animal therapist, an individual must meet the following qualifications:

- (A) Hold and maintain an undisciplined license under the Uniform Credentialing Act for a health care profession other than veterinary medicine and surgery. Any person who wishes to practice or represent himself or herself as an animal therapist must be licensed as an animal therapist.
- (B) Successfully complete training, approved by the board, regarding the performance of the applicant's specified health care profession on animals and have training in the human profession consistent with the therapy to be provided on animals. Training can be obtained from more than one program.

003.02 DOCUMENTATION. The applicant must submit to the Department proof of completing a training program that includes the following:

- (A) The name of the training program completed;
- (B) The location of the training program completed; and
- (C) The date the training program was completed.

004. TRAINING STANDARDS. All animal therapists must have a qualifying license to pursue an animal therapist license and meet the training standards in this chapter.

004.01 STANDARDS APPLICABLE TO ALL PROFESSIONS. In addition to meeting the requirements for the specified health care profession and this chapter, to be acceptable for licensure, a training program must be approved by the Board, meet the requirements for the specific professions listed in this chapter, and meet the following criteria:

- (A) The topic or objectives must relate directly to the practice of animal therapy in the specified health care profession;
- (B) The presenter of the activity must be qualified by education, experience or training;
- (C) Activities must be open to all persons who hold a Nebraska license to practice the specified health care profession on humans;
- (D) If the course involves the use of distance learning formats, including, but not limited to, archived video or audio programs, webcasts, telephone broadcasts, or simultaneous broadcasts, those persons not physically attending must have substantially the same opportunity for interaction with those teaching the course as they would if physically present at the same location; and
- (E) Activities must include a competency assessment or evaluation which may consist of a test, case studies, or other type of competency assessment.

004.02 STANDARDS APPLICABLE TO SPECIFIC PROFESSIONS. Applicants must meet the requirements for all professions and the following specific to their profession as listed in this chapter.

004.02(A) ACUPUNCTURE. An applicant must:

- (i) Have and maintain an undisciplined license as an acupuncturist, a chiropractor, a physician, an osteopathic physician, or a physician assistant under the Uniform Credentialing Act;
- (ii) Complete a training program that consists of:
 - (1) At least 200 hours of instruction and training in veterinary acupuncture in the following areas:
 - (a) Comparative functional anatomy and physiology;
 - (b) Handling and restraint;
 - (c) Zoonotic diseases; and
 - (d) Recordkeeping; and
 - (2) At least 50 hours of supervised clinical training; and
- (iii) An Animal Therapist in Acupuncture is only allowed to use the following modalities:
 - (1) Dry needling;
 - (2) Electrostimulation;
 - (3) Moxibustion; and
 - (4) Laser therapy to stimulate acupuncture points.

004.02(B) CHIROPRACTIC OR VETERINARY ORTHOPEDIC MANIPULATION (VOM) A CHIROPRACTIC TECHNIQUE. An applicant must:

- (i) Complete a training program that consists of:
 - (1) At least 210 hours of instruction or course work pertaining to animals in the following areas:
 - (a) Anatomy, including sacropelvic, thoracolumbar, cervical, and extremity;
 - (b) Anatomy laboratory;
 - (c) Behavior;
 - (d) Biomechanics and gait;
 - (e) Chiropractic educational basics;
 - (f) Chiropractic adjusting technique, including lecture and laboratory:
 - (i) Cervical;
 - (ii) Thoracic;
 - (iii) Lumbosacral;
 - (iv) Pelvic; and
 - (v) Extremity;
 - (g) Case management and case studies;
 - (h) Chiropractic philosophy;
 - (i) Differential diagnosis of neuromusculoskeletal conditions;
 - (j) Ethics and legalities;
 - (k) Knowledge of breed anomalies;
 - (l) Motion palpation;
 - (m) Neurology, neuroanatomy, and neurological conditions;
 - (n) Pathology;
 - (o) Physiology;
 - (p) Radiology;
 - (q) Research in current chiropractic and veterinary topics;
 - (r) Restraint;
 - (s) Rehabilitation, current topics, evaluation, and assessment;
 - (t) Normal foot anatomy and normal foot care;
 - (u) Saddle fit and evaluation, lecture, and laboratory;
 - (v) Veterinary educational basics;
 - (w) Vertebral subluxation complex; and
 - (x) Zoonotic diseases; and
 - (2) At least 50 hours of supervised clinical training.

004.02(C) MASSAGE THERAPY. An applicant must:

- (i) Complete a training program that consists of:
 - (1) At least 100 hours of instruction or course work pertaining to animals in the following areas:
 - (a) Anatomy and physiology;
 - (b) Pharmacology;
 - (c) Study of gait and movement;
 - (d) Massage therapy techniques;
 - (e) Handling skills;
 - (f) Restraint; and
 - (g) Behavior; and

- (2) At least 50 hours of in-class massage therapy clinics supervised by licensed veterinarians or licensed animal massage therapists.

004.02(D) PHYSICAL THERAPY OR OCCUPATIONAL THERAPY. An applicant must:

- (i) Have and maintain an undisciplined license as either a physical therapist or an occupational therapist under the Uniform Credentialing Act;
- (ii) Complete a training program that consists of:
 - (1) At least 100 hours of instruction or course work pertaining to animals in the following areas:
 - (a) Assessment and planning of treatment;
 - (b) Behavior;
 - (c) Biomechanics;
 - (d) Common orthopedic and neurological conditions;
 - (e) Comparative anatomy and physiology;
 - (f) Restraint;
 - (g) Handling skills;
 - (h) Neurology; and
 - (i) Therapeutic modalities and exercises;
 - (2) At least 40 hours of supervised clinical training or internship; and
 - (3) A competency assessment or evaluation which may consist of a test, case studies, or other type of competency assessment.
- (iii) The training program must be affiliated with an American Veterinary Medical Association accredited school or college of veterinary medicine or the American College of Veterinary Surgeons.

005. RENEWAL, WAIVER OF CONTINUING EDUCATION, AND INACTIVE STATUS. The applicant must meet the requirements set out in 172 NAC 10 and these regulations. All animal therapist licenses expire on April 1 of each even-numbered year.

006. CONTINUING COMPETENCY REQUIREMENTS. On or before April 1 of each even-numbered year all licensees must complete the appropriate number of continuing education hours, and maintain their human equivalent license according their profession. Each licensee is responsible for maintaining certificates or records of continuing education. Only continuing competency activities which pertain to animals within the licensee's scope of practice are acceptable. The following continuing competency activities are limited to no more than 2 hours of each activity during each 2-year renewal period, and all other continuing competency activities have no limitation:

- (A) Clinical observation with a Veterinarian or Licensed Animal Therapist;
- (B) Home study hours with a testing mechanism;
- (C) Journal articles with a testing mechanism;
- (D) Publishing research in animal therapy; and
- (E) Teaching animal therapy.

006.01 PROFESSIONS REQUIRING TEN HOURS OF CONTINUOUS COMPETENCY HOURS. As a condition of license renewal, the following professions must complete at least ten (10) hours of acceptable continuing competency activities.

- (A) Acupuncture;
- (B) Chiropractic; and

(C) Veterinary Orthopedic Manipulation – a Chiropractic technique.

006.02 PROFESSION REQUIRING SIX HOURS OF CONTINUOUS COMPETENCY HOURS. As a condition of license renewal, the following professions must complete at least six (6) hours of acceptable continuing competency activities.

- (A) Massage Therapy;
- (B) Physical Therapy; and
- (C) Occupational Therapy.

007. PRACTICE REQUIREMENTS. A licensed animal therapist may perform health care therapy in accordance with Neb. Rev. Stat. § 38-3333 and the following:

- (A) The health care therapy must be consistent with and limited to the veterinary medical diagnosis and evaluation that is included in the letter of referral;
- (B) The licensed animal therapist keeps and maintains adequate records of treatment or service for three (3) years after the licensed animal therapist's most recent contact with the client or patient.

008. UNPROFESSIONAL CONDUCT. Unprofessional conduct is set out in Neb. Rev. Stat. § 38-179, 172 NAC 10, and includes, additionally, refusal to cooperate or failure to furnish requested information during any investigation by the Department.

009. REINSTATEMENT. The applicant must meet the requirements set out in 172 NAC 10.

010. FEES. Fees referred to in these regulations are set out in 172 NAC 2, and these regulations.

010.01 INITIAL FEE. Initial Licensure Fee for Animal Therapist. By an applicant for a license as an animal therapist, the fee of \$142.

010.02 RENEWAL FEE. Renewal Fee for Animal Therapist. By an applicant for renewal on a biennial basis of a license as an animal therapist, the fee of \$142.

TITLE 172 _____ PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 182 _____ LICENSURE OF ANIMAL THERAPISTS

~~182-001 SCOPE AND AUTHORITY: These regulations govern the credentialing of animal therapists under Neb. Rev. Stat. §§ 38-3301 to 38-3334 and the Uniform Credentialing Act (UCA). These regulations do not apply to:~~

- ~~1. Licensed veterinary technicians;~~
- ~~2. Unlicensed assistants; or~~
- ~~3. Persons who hold a valid credential under the UCA and who consult with a licensed veterinarian or perform collaborative animal health care tasks on a patient under the care of such veterinarian if all such tasks are performed under the immediate supervision of such veterinarian.~~ Kept in section 001 as modified.

182-002 DEFINITIONS

~~Active addiction means current physical or psychological dependence on alcohol or a substance, which develops following the use of alcohol or a substance on a periodic or continuing basis.~~

~~Adequate records means legible records (either written or electronic) containing, at a minimum, the date, patient, client, diagnosis or service provided, products given, data from tests performed and documentation of any client/agent consent.~~ Kept in section 002 as modified.

~~Alcohol or substance abuse means a maladaptive pattern of alcohol or substance use leading to clinically significant impairment or distress as manifested by one or more of the following occurring at any time during the same 12-month period:~~

- ~~1. Recurrent alcohol or substance use resulting in a failure to fulfill major role obligations at work, school, or home;~~
- ~~2. Recurrent alcohol or substance use in situations in which it is physically hazardous;~~
- ~~3. Recurrent legal problems related to alcohol or substance use; or~~
- ~~4. Continued alcohol or substance use despite having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of the alcohol or substance use.~~

~~Attest or attestation means that the individual declares that all statements on the application are true and complete.~~

~~Board means the Board of Veterinary Medicine and Surgery.~~

~~Complete application means an application that contains all of the information requested on the application, with attestation to its truth and completeness, and that is submitted with the required fees and all required documentation.~~

~~Confidential information means information protected as privileged under applicable law.~~

~~Consumer means a person receiving health or health-related services or environmental services and includes a patient, client, resident, customer, or person with a similar designation.~~

~~Conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere or non vult contendere made to a formal criminal charge, or a judicial finding of guilt irrespective of the pronouncement of judgment or the suspension thereof, and includes instances in which the imposition or the execution of sentence is suspended following a judicial finding of guilt and the defendant is placed on probation.~~

~~Credential means a license, certificate, or registration.~~

~~Department means the Division of Public Health of the Department of Health and Human Services.~~

~~Dependence means a maladaptive pattern of alcohol or substance use, leading to clinically significant impairment or distress, as manifested by three or more of the following occurring at any time in the same 12-month period:~~

- ~~1. Tolerance as defined by either of the following:
 - ~~a. A need for markedly increased amounts of alcohol or the substance to achieve intoxication or desired effect; or~~
 - ~~b. A markedly diminished effect with continued use of the same amount of alcohol or the substance;~~~~
- ~~2. Withdrawal as manifested by either of the following:
 - ~~a. The characteristic withdrawal syndrome for alcohol or the substance as referred to in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, published by the American Psychiatric Association; or~~
 - ~~b. Alcohol or the same substance or a closely related substance is taken to relieve or avoid withdrawal symptoms;~~~~
- ~~3. Alcohol or the substance is often taken in larger amounts or over a longer period than was intended;~~
- ~~4. A persistent desire or unsuccessful efforts to cut down or control alcohol or substance use;~~
- ~~5. A great deal of time is spent in activities necessary to obtain alcohol or the substance, to use alcohol or the substance; or to recover from the effects of use of alcohol or the substance;~~

6. Important social, occupational, or recreational activities are given up or reduced because of alcohol or substance use; or
7. Alcohol or substance use continues despite knowledge of having had a persistent or recurrent physical or psychological problem that was likely to have been caused or exacerbated by alcohol or the substance.

Director means the Director of Public Health of the Division of Public Health or his/her designee.

Health care therapy means health care activities that require the exercise of judgment for which licensure is required under the Uniform Credentialing Act.

Hour means a period of 50 to 60 minutes of formal instruction for purposes of initial education to obtain a credential and continuing education to renew or reinstate a credential.

Inactive credential means a credential which the credential holder has voluntarily placed on inactive status and by which action has terminated the right to practice or represent him/herself as having an active credential.

License means an authorization issued by the Department to an individual to engage in a profession or to a business to provide services which would otherwise be unlawful in this state in the absence of such authorization.

Licensed animal therapist means an individual who (1) has and maintains an undisciplined license under the Uniform Credentialing Act for a health care profession other than veterinary medicine and surgery, (2) has met the standards for additional training regarding the performance of that health care profession on animals as required by rules and regulations adopted and promulgated by the Department upon the recommendation of the Board, and (3) is licensed as an animal therapist by the Department.

Military service means full-time duty in the active military service of the United States, a National Guard call to active service for more than 30 consecutive days, or active service as a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration. Military service may also include any period during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause. (From the Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., as it existed on January 1, 2007.)

Pattern of incompetent or negligent conduct means a continued course of incompetent or negligent conduct in performing the duties of the profession.

Profession means any profession or occupation named in subsection (1) or (2) of Neb. Rev. Stat. § 38-121.

Served in the regular armed forces has the same meaning as "military service" in these regulations.

Unlicensed assistant means an individual who is not a licensed veterinarian, a licensed veterinary technician, or a licensed animal therapist and who is working in veterinary medicine.

182-003 INITIAL CREDENTIAL

182-003.01 Qualifications: To receive a credential to practice as an animal therapist, an individual must meet the following qualifications:

1. Age and Good Character: Be at least 19 years old and of good character;
2. Citizenship/Lawful Presence: Be a citizen of the United States, an alien lawfully admitted into the United States who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant lawfully present in the United States who is eligible for a credential under the Uniform Credentialing Act.
3. Holds and maintains an undisciplined license under the Uniform Credentialing Act for a health care profession other than veterinary medicine and surgery. Any person who wishes to practice and/or represent himself/herself as an animal therapist, must be licensed as an animal therapist.
4. Education:
 - a. Successfully complete training, approved by the board, regarding the performance of the applicant's specified health care profession on animals;
 - b. Have training in the human profession consistent with the therapy to be provided on animals; and
 - c. Training can be combined from multiple programs. **Kept in section**

003 as modified.

182-003.02 Application: To apply for a credential to practice as an animal therapist, the individual must submit a complete application to the Department. A complete application includes all required documentation, the required fee, and a written application. The applicant may obtain an application from the Department or construct an application that must contain the following information:

1. Written Application:
 - a. Personal Information:
 - (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
 - (2) Date of birth (month, day, and year);
 - (3) Place of birth (city and state or country if not born in the United States);
 - (4) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);
 - (5) The applicant's:
 - (a) Social Security Number (SSN);

- (b) Alien Registration Number ("A#"); or
 - (c) Form I-94 (Arrival-Departure Record) number.
- Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both.

- (6) The applicant's telephone number including area code (optional);
- (7) The applicant's e-mail address (optional); and
- (8) The applicant's fax number (optional).

b. Practice Before Application: The applicant must state:

- (1) That s/he has not practiced animal therapy in Nebraska before submitting the application; or
- (2) If s/he has practiced animal therapy in Nebraska before submitting the application, the actual number of days practiced in Nebraska before submitting the application for a credential and the name and location of practice.

c. Training Program: The applicant must list:

- (1) The name of the training program completed;
- (2) The location of the training program completed; and
- (3) The date the training program was completed.

d. The applicant must also provide information related to the following, as requested on the application of the Department:

- (1) History of charges, complaints, disciplinary actions, adverse actions, or other actions against a professional license or permit in any state or jurisdiction including, but not limited to:
 - (a) Voluntary surrenders or voluntary limitations;
 - (b) Currently pending investigations or complaints;
 - (c) Prior refusals to issue, refusals to renew, or denials of a license or permit;
- (2) Information relating to fitness to practice including, but not limited to:
 - (a) Addiction, dependence upon or chronic impairment by alcohol, narcotics, barbiturates, or other drugs which may cause physical and/or psychological dependence;
 - (b) Physical, mental, or emotional conditions which impair the applicant's ability to practice the profession safely and competently;
- (3) History of any remedial or disciplinary actions during his/her education or training including, but not limited to restrictions, suspensions, terminations, request for voluntary resignation, probation, counseling, and receipt of warnings;
- (4) Any employment disciplinary actions or non-renewal of an employment contract;

- (5) ~~Criminal history, including convictions and charges, complaints or other actions that did not result in convictions; and~~
 - (6) ~~History of professional liability claims, adverse judgments, settlements, or awards, including any pending professional liability claims.~~
- e. ~~Attestation:~~ The applicant must attest that:
- (1) ~~S/he has read the application or has had the application read to him/her; and~~
 - (2) ~~All statements on the application are true and complete.~~
2. ~~Documentation:~~ The applicant must submit the following documentation with the application:
- a. ~~Evidence of age, such as:~~
 - (1) ~~Driver's license;~~
 - (2) ~~Birth certificate;~~
 - (3) ~~Marriage license that provides date of birth;~~
 - (4) ~~Transcript that provides date of birth;~~
 - (5) ~~U.S. State identification card;~~
 - (6) ~~Military identification; or~~
 - (7) ~~Other similar documentation.~~
 - b. ~~Evidence of:~~
 - (1) ~~Other Credential:~~ If the applicant holds a credential to provide health services, health-related services, or environmental services in Nebraska or in another jurisdiction, the applicant must submit the state, credential number, type of credential, date issued, and expiration date of each credential where the applicant has been or is currently credentialed. The applicant must have the licensing agency submit to the Department a certification of his/her credential;
 - (2) ~~Disciplinary Action:~~ A list of any disciplinary actions taken against the applicant's credential and a copy of the disciplinary action(s), including charges and disposition;
 - (3) ~~Denial:~~ If the applicant was denied a credential or denied the right to take a credentialing examination, an explanation of the basis for the denial;
 - (4) ~~Conviction Information:~~ If the applicant has been convicted of a felony or misdemeanor, the applicant must submit to the Department:
 - (a) ~~A list of any misdemeanor or felony convictions;~~
 - (b) ~~A copy of the court record, which includes charges and disposition;~~
 - (c) ~~Explanation from the applicant of the events leading to the conviction (what, when, where, why) and a summary of actions the applicant has taken to address behaviors/actions related to the conviction;~~

- ~~(d) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required;~~
 - ~~(e) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation; and~~
 - ~~(f) Any other information as requested by the Board/Department;~~
 - ~~c. Evidence that the applicant is a citizen of the United States, an alien lawfully admitted into the United States who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant lawfully present in the United States who is eligible for a credential under the Uniform Credentialing Act.~~
 - ~~d. Evidence of citizenship, lawful presence, and/or immigration status may include a copy of:
 - ~~(1) A U.S. Passport (unexpired or expired);~~
 - ~~(2) A birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal;~~
 - ~~(3) An American Indian Card (I-872);~~
 - ~~(4) A Certificate of Naturalization (N-550 or N-570);~~
 - ~~(5) A Certificate of Citizenship (N-560 or N-561);~~
 - ~~(6) Certification of Report of Birth (DS-1350);~~
 - ~~(7) A Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240);~~
 - ~~(8) Certification of Birth Abroad (FS-545 or DS-1350);~~
 - ~~(9) A United States Citizen Identification Card (I-197 or I-179);~~
 - ~~(10) A Northern Mariana Card (I-873);~~
 - ~~(11) A Green Card, otherwise known as a Permanent Resident Card (Form I-551), both front and back of the card;~~
 - ~~(12) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;~~
 - ~~(13) A document showing an Alien Registration Number ("A#"). An Employment Authorization Card/Document is not acceptable; or~~
 - ~~(14) A Form I-94 (Arrival-Departure Record);~~~~
 - ~~e. Documentation showing successful completion of training in animal therapy, including:
 - ~~(1) Name and date of training program completed; and~~
 - ~~(2) Name of school, college, university that provided the training.~~~~
- ~~3. Fee: The applicant must submit the required license fee along with the application and all required documentation.~~

~~182-003.03 Department Review: The Department will act within 150 days upon all completed applications for initial credentialing.~~

~~182-003.04 Denial of Initial Credential:~~ If an applicant for an initial credential does not meet all of the requirements for a credential, the Department will deny issuance of a credential. If the applicant is found to have committed any act which would be grounds for denial of a credential as listed in 172 NAC 182-007, the Department may deny issuance of a credential. To deny a credential, the Department will notify the applicant in writing of the denial and the reasons for the determination. The denial will become final 30 days after mailing the notice unless the applicant, within that 30-day period, requests a hearing in writing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

~~182-003.05 Withdrawn Applications:~~ An applicant for a credential who withdraws his/her application or whose application is rejected by the Department prior to administration of the examination will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

~~182-003.06 Practice Prior to Credential:~~ An individual who practices prior to issuance of a credential is subject to assessment of an administrative penalty under 172 NAC 182-010 or such other action as provided in the statutes and regulations governing the credential.

~~182-003.07 Confidentiality:~~ Social Security Numbers obtained under this section are not public information but may be shared by the Department for administrative purposes if necessary and only under appropriate circumstances to ensure against any unauthorized access to this information.

~~182-003.08 Address Information:~~ Each credential holder must notify the Department of any change to the address of record.

~~182-003.09 Non-English Documents:~~ Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

182-004 TRAINING STANDARDS

~~182-004.01 Standards Applicable to All Professions:~~ In addition to meeting the requirements for the specified health care profession pursuant to 172 NAC 182-004.02, to be acceptable for licensure, a training program must also meet the following criteria:

- ~~1. The topic and/or objectives must relate directly to the practice of animal therapy in the specified health care profession;~~
- ~~2. The presenter of the activity must be qualified by education, experience or training;~~
- ~~3. Activities must be open to all persons who hold a Nebraska license to practice the specified health care profession on humans;~~

4. If the course involves the use of distance learning formats, including, but not limited to, archived video or audio programs, webcasts, telephone broadcasts, or simultaneous broadcasts, those persons not physically attending must have substantially the same opportunity for interaction with those teaching the course as they would if physically present at the same location; and
5. Activities must include a competency assessment or evaluation which may consist of a test, case studies, or other type of competency assessment.

182-004.02 Standards Applicable to Specific Professions

182-004.02A Acupuncture: To be licensed as an Animal Therapist in Acupuncture, an applicant must:

1. Have and maintain an undisciplined license as an acupuncturist, a chiropractor, a physician, an osteopathic physician, or a physician assistant under the Uniform Credentialing Act;
2. Complete a training program that consists of:
 - a. At least 200 hours of instruction and training in veterinary acupuncture in the following areas:
 - (1) Comparative functional anatomy and physiology;
 - (2) Handling and restraint;
 - (3) Zoonotic diseases; and
 - (4) Recordkeeping; and
 - b. At least 50 hours of supervised clinical training.
3. The training program in 182-004.02A Item 1 must be approved by the Board. To be approved by the Board, the training program must:
 - a. Meet the requirements of 172 NAC 182-004.01; and
 - b. Meet the requirements of 172 NAC 182-004.02A.
4. An Animal Therapist in Acupuncture is only allowed to use the following modalities:
 - a. Dry needling;
 - b. Electrostimulation;
 - c. Moxibustion; and
 - d. Laser therapy to stimulate acupuncture points.

182-004.02B Chiropractic: To be licensed as an Animal Therapist in Chiropractic and to practice chiropractic except for acupuncture, an applicant must:

1. Complete a training program that consists of:

- a. At least 210 hours of instruction or course work pertaining to animals in the following areas:
- (1) Anatomy, including sacropelvic, thoracolumbar, cervical, and extremity;
 - (2) Anatomy laboratory;
 - (3) Behavior;
 - (4) Biomechanics and gait;
 - (5) Chiropractic educational basics;
 - (6) Chiropractic adjusting technique, including lecture and laboratory:
 - (a) Cervical;
 - (b) Thoracic;
 - (c) Lumbosacral;
 - (d) Pelvic; and
 - (e) Extremity;
 - (7) Case management and case studies;
 - (8) Chiropractic philosophy;
 - (9) Differential diagnosis of neuromusculoskeletal conditions;
 - (10) Ethics and legalities;
 - (11) Knowledge of breed anomalies;
 - (12) Motion palpation;
 - (13) Neurology, neuroanatomy, and neurological conditions;
 - (14) Pathology;
 - (15) Physiology;
 - (16) Radiology;
 - (17) Research in current chiropractic and veterinary topics;
 - (18) Restraint;
 - (19) Rehabilitation, current topics, evaluation, and assessment;
 - (20) Normal foot anatomy and normal foot care;
 - (21) Saddle fit and evaluation, lecture, and laboratory;
 - (22) Veterinary educational basics;
 - (23) Vertebral subluxation complex; and
 - (24) Zoonotic diseases; and

- b. At least 50 hours of the 210 of supervised clinical training.
Kept in section 004 as modified.

2. The training program in 172 NAC 182-004.02B Item 1 must be approved by the Board. To be approved by the Board, the training program must:

- a. Meet the requirements of 172 NAC 182-004.01; and
- b. Meet the requirements of 172 NAC 182-004.02B.

182-004.02C Veterinary Orthopedic Manipulation (VOM) – A Chiropractic Technique: To be licensed as an Animal Therapist in Veterinary Orthopedic Manipulation (VOM), an applicant must:

1. Have and maintain an undisciplined license as a chiropractor under the Uniform Credentialing Act;
2. Complete a training program in VOM that consists of:

a. At least 210 hours of instruction or course work pertaining to animals in the following areas:

- (1) Anatomy, including sacropelvic, thoracolumbar, cervical, and extremity;
- (2) Anatomy laboratory;
- (3) Behavior;
- (4) Biomechanics and gait;
- (5) VOM educational basics;
- (6) VOM adjusting technique, including lecture and laboratory:
 - (a) Cervical;
 - (b) Thoracic;
 - (c) Lumbosacral;
 - (d) Pelvic; and
 - (e) Extremity;
- (7) Case management and case studies;
- (8) VOM philosophy;
- (9) Differential diagnosis of neuromusculoskeletal conditions;
- (10) Ethics and legalities;
- (11) Knowledge of breed anomalies;
- (12) Motion palpation;
- (13) Neurology, neuroanatomy, and neurological conditions;
- (14) Pathology;
- (15) Physiology;
- (16) Radiology;
- (17) Research in current VOM and veterinary topics;
- (18) Restraint;
- (19) Rehabilitation, current topics, evaluation, and assessment;
- (20) Normal foot anatomy and normal foot care;
- (21) Saddle fit and evaluation, lecture, and laboratory;
- (22) Veterinary educational basics;
- (23) Vertebral subluxation complex; and
- (24) Zoonotic diseases; and

b. At least 50 hours of the 210 of supervised clinical training.
Kept in section 004 as modified.

3. The training program in 172 NAC 182-004.02C Item 1 must be approved by the Board. To be approved by the Board, the training program must:
 - a. Meet the requirements of 172 NAC 182-004.01; and
 - b. Meet the requirements of 172 NAC 182-004.02C.

182-004.02D Massage Therapy: To be licensed as an Animal Therapist in Massage Therapy, an applicant must:

1. Complete a training program that consists of:
 - a. At least 100 hours of instruction or course work pertaining to animals in the following areas:
 - (1) Anatomy and physiology;
 - (2) Pharmacology;
 - (3) Study of gait and movement;
 - (4) Massage therapy techniques;
 - (5) Handling skills;
 - (6) Restraint; and
 - (7) Behavior; and
 - b. At least 50 hours of in-class massage therapy clinics supervised by licensed veterinarians or licensed animal massage therapists. Kept in section 004 as modified.
2. The training program in 172 NAC 182-004.02D Item 1 must be approved by the Board. To be approved by the Board, the training program must:
 - a. Meet the requirements of 172 NAC 182-004.01; and
 - b. Meet the requirements of 172 NAC 182-004.02D.

182-004.02E Physical Therapy/Occupational Therapy: To be licensed as an Animal Therapist in Physical Therapy or Occupational Therapy, an applicant must:

1. Have and maintain an undisciplined license as either a physical therapist or an occupational therapist under the Uniform Credentialing Act;
2. Complete a training program that consists of:
 - a. At least 100 hours of instruction or course work pertaining to animals in the following areas:
 - (1) Assessment and planning of treatment;
 - (2) Behavior;
 - (3) Biomechanics;

- (4) Common orthopedic and neurological conditions;
- (5) Comparative anatomy and physiology;
- (6) Restraint;
- (7) Handling skills;
- (8) Neurology; and
- (9) Therapeutic modalities and exercises;

b. At least 40 hours of supervised clinical training (internship); and

c. A competency assessment or evaluation which may consist of a test, case studies, or other type of competency assessment. Kept in section 004 as modified.

3. The training program in 172 NAC 182-004.02E must be approved by the Board. To be approved by the Board, the training program must:

- a. Meet the requirements of 172 NAC 182-004.01;
- b. Meet the requirements of 172 NAC 182-004.02E; and
- c. Be affiliated with an American Veterinary Medical Association accredited school or college of veterinary medicine or the American College of Veterinary Surgeons. Kept in section 004 as modified.

~~182-005 CONTINUING COMPETENCY REQUIREMENTS: Each licensed animal therapist holding an active credential within the state must, on or before the date of expiration of the credential, comply with the continuing competency requirements for his/her profession, unless the requirements are waived in accordance with 172 NAC 182-007.03 and 182-007.04. Each licensed animal therapist is responsible for maintaining certificates or records of continuing competency activities. Acceptable continuing competency activities for all Licensed Animal Therapists are only activities pertaining to animals within the Licensed Animal Therapist's own scope. The following continuing competency activities are limited to no more than two hours of each activity during each two-year renewal period: Moved to section 006 as modified.~~

- 1. Clinical observation with a Veterinarian or Licensed Animal Therapist;
- 2. Home study hours with a testing mechanism;
- 3. Journal articles with a testing mechanism;
- 4. Publishing research in animal therapy; and
- 5. Teaching animal therapy. Moved to section 006 as modified.

All other continuing competency activities have no limitation.

~~182-005.01 Acupuncture: As a condition of license renewal, Animal Therapists in Acupuncture must complete at least ten hours of acceptable continuing competency activities every two years. Moved to section 006 as modified.~~

~~182-005.02 Chiropractic: As a condition of license renewal, Animal Therapists in Chiropractic must complete at least ten hours of acceptable continuing competency activities every two years.~~ Moved to section 006 as modified.

~~182-005.03 Veterinary Orthopedic Manipulation (VOM) – A Chiropractic Technique: As a condition of license renewal, Animal Therapists in Veterinary Orthopedic Manipulation (VOM) must complete at least ten hours of acceptable continuing competency activities every two years.~~ Moved to section 006 as modified.

~~182-005.04 Massage Therapy: As a condition of license renewal, Animal Therapists in Massage Therapy must complete at least six hours of acceptable continuing competency activities every two years.~~ Moved to section 006 as modified.

~~182-005.05 Physical Therapy/Occupational Therapy: As a condition of license renewal, Animal Therapists in Physical Therapy or Occupational Therapy must complete at least six hours of acceptable continuing competency activities every two years.~~ Moved to section 006 as modified.

~~182-006 PRACTICE REQUIREMENTS: A licensed animal therapist may perform health care therapy on a patient only if:~~ Moved in section 007 as modified.

- ~~1. The health care therapy is consistent with the licensed animal therapist's training required for the license referred to under 172 NAC 182-003.01(3);~~
- ~~2. The client presents to the licensed animal therapist a prior letter of referral for health care therapy that includes a veterinary medical diagnosis and evaluation completed by a licensed veterinarian who has a veterinarian-client-patient relationship with the client and the patient and has made the diagnosis and evaluation within 90 days immediately preceding the date of the initiation of the health care therapy;~~
- ~~3. The health care therapy must be consistent with and limited to the veterinary medical diagnosis and evaluation that is included in the letter of referral;~~ Moved in section 007 as modified.
- ~~4. The licensed animal therapist provides health care therapy reports at least monthly to the referring veterinarian, except that a report is not required for any month in which health care therapy was not provided; and~~
- ~~5. The licensed animal therapist keeps and maintains adequate records of treatment or service for three years after the licensed animal therapist's most recent contact with the client and/or patient.~~ Moved in section 007 as modified.

~~182-007 RENEWAL: An individual who wants to renew his/her animal therapist license must request renewal as specified in 172 NAC 182-007.02. All animal therapist licenses issued by the Department will expire on April 1 of each even-numbered year.~~ Moved in section 005 as modified.

~~182-007.01 Renewal Notice:~~ At least 30 days before the expiration of a credential, the Department will notify each credential holder at the last known address of record. The renewal notice will include:

- ~~1. The type of credential;~~
- ~~2. The credential number;~~
- ~~3. The expiration date;~~
- ~~4. Continuing competency requirements for renewal;~~
- ~~5. The amount of the renewal fee; and~~
- ~~6. Information on how to request renewal and how to place a credential on inactive status.~~

~~182-007.02 Renewal Procedures:~~ The request for renewal may be submitted in person or by mail or Internet, and must include all required documentation and the renewal fee, which must be paid no later than the expiration date. The applicant may obtain an application from the Department or construct an application.

- ~~1. Application:~~ The applicant, on his/her application:
 - ~~a. Must provide the following information:~~
 - ~~(1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;~~
 - ~~(2) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);~~
 - ~~(3) The applicant's:~~
 - ~~(a) Social Security Number (SSN); or~~
 - ~~(b) Alien Registration Number (A#) or~~
 - ~~(c) Form I-94 (Arrival-Departure Record) number.~~~~Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both;~~
 - ~~b. May provide the following information about him/herself:~~
 - ~~(1) The applicant's telephone number including area code;~~
 - ~~(2) The applicant's e-mail address; and~~
 - ~~(3) The applicant's fax number; and~~
 - ~~c. Must attest that s/he has met the continuing competency requirements specified in 172 NAC 182-005 or has requested a waiver if s/he meets the requirements of 172 NAC 182-007.03 and/or 182-007.04.~~
- ~~2. Documentation:~~ The applicant must submit the following documentation with the application:
 - ~~a. If the applicant is not a United States citizen, s/he must submit evidence of lawful admission or presence in the United States, which may include a copy of:~~

- (1) ~~A Green Card, otherwise known as a Permanent Resident Card (Form I-551), both front and back of the card;~~
- (2) ~~An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;~~
- (3) ~~A document showing an Alien Registration Number ("A#"). An Employment Authorization Card/Document is not acceptable; or~~
- (4) ~~A Form I-94 (Arrival-Departure Record);~~
- b. ~~Other Credential: If the applicant holds a credential to provide health services, health-related services, or environmental services in Nebraska or in another jurisdiction, the applicant must submit the state, credential number, type of credential, date issued, and expiration date of each credential where the applicant has been or is currently credentialed;~~
- c. ~~Disciplinary Action: A list of any disciplinary actions taken against the applicant's credential and a copy of the disciplinary action(s), including charges and disposition;~~
- d. ~~Denial: If the applicant was denied a credential or denied the right to take a credentialing examination, an explanation of the basis for the denial;~~
- e. ~~Conviction Information: If the applicant has been convicted of a felony or misdemeanor since his/her last renewal or during the time period since initial credentialing if such occurred within the previous two years, the applicant must submit to the Department:~~
 - (1) ~~A list of any misdemeanor or felony convictions;~~
 - (2) ~~A copy of the court record, which includes charges and disposition;~~
 - (3) ~~Explanation from the applicant of the events leading to the conviction (what, when, where, why) and a summary of actions the applicant has taken to address the behaviors/actions related to the convictions;~~
 - (4) ~~All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required;~~
 - (5) ~~A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation; and~~
 - (6) ~~Any other information as requested by the Board/Department;~~

3. ~~The renewal fee according to 172 NAC 2.~~

~~182-007.03 Waivers for Military Service: A credential holder who has served in the regular armed forces of the United States during part of the credentialing period immediately preceding the renewal date, or is actively engaged in military service as defined in 172 NAC 182-002, is not required to pay the renewal fee or to meet the continuing competency~~

requirements if acceptable documentation is submitted to the Department. The individual must document his/her military service by submitting to the Department:

1. ~~Military identification proving that s/he is in active service;~~
2. ~~Military orders; or~~
3. ~~A letter from his/her Commanding Officer indicating that s/he is on active duty.~~

Upon receipt of acceptable documentation, the Department will waive the fee and the continuing competency requirements and renew the credential. The credential will remain active until the next renewal period.

~~182-007.04 Waiver of Continuing Competency Requirements:~~ The Department waives continuing competency requirements for individuals who were first credentialed within the 24-month period immediately preceding the renewal date.

~~182-007.05 Audit of Continuing Competency Requirements:~~ The Department or the Board may biennially select, in a random manner, a sample of the renewal applications for audit of continuing competency requirements. Each credential holder selected for audit must produce documentation of the continuing competency activities.

~~182-007.05A~~ The Department will notify each selected credential holder by mail. Failure to notify the Department of a current mailing address will not absolve the credential holder from the requirement for audit.

~~182-007.05B~~ Within 30 days, each selected credential holder must respond by submitting documentation that s/he has met the requirements for continuing competency. An extension beyond 30 days for submission of the documentation may be granted at the discretion of the Department. Documentation submitted by the credential holder will not be returned.

~~182-007.05C~~ Acceptable documentation that the credential holder has met the continuing competency requirements includes but is not limited to:

1. ~~Copies of certificates of attendance at continuing competency activities;~~
2. ~~Copies of educational transcripts reflecting continuing competency activities completed;~~
3. ~~Copies of letters from employers verifying hours of clinical observation;~~
4. ~~Copies of journal articles reviewed and verification of having completed an associated testing mechanism;~~
5. ~~Copies of abstracts of any published research in animal therapy;~~
6. ~~Copies of brochures that identify the licensee as a speaker or instructor; and~~
7. ~~E-mails or electronic communications reflecting any of the types of acceptable documentation listed above.~~

~~182-007.05D~~ The Department/Board will review the submitted documentation to determine if the credential holder has met the requirements for continuing competency activities for renewal of the credential. Only documented activities/hours that meet the continuing competency requirements will be counted toward the total requirements for renewal.

~~182-007.05E~~ The Department will notify the credential holder upon satisfactory completion of the audit.

~~182-007.05F~~ The credential of any person who fails to comply with the conditions of the audit will expire 30 days after notice and an opportunity for a hearing.

~~182-007.05G~~ The Board reserves the right to audit continuing competency requirements of any credential holder by notifying the credential holder and requesting that s/he produce the required documentation of attendance at or participation in acceptable continuing competency programs within 30 days of mailing.

~~182-007.06 Department Review:~~ The Department will act within 150 days upon all completed applications for renewal.

~~182-007.06A False Information:~~ The Department may refuse to renew a credential for falsification of any information submitted for renewal of a credential. The refusal will be made according to 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

~~182-007.07 Address Information:~~ Each credential holder must notify the Department of any change to the address of record.

~~182-007.08 Expiration of a Credential:~~ A credential expires if a credential holder fails to:

1. Notify the Department that s/he wants to place his/her credential on inactive status upon its expiration;
2. Meet the requirements for renewal on or before the date of expiration of his/her credential; or
3. Otherwise fails to renew his/her credential.

~~182-007.08A Failure to Renew:~~ A credential automatically expires without further notice or opportunity for hearing if a credential holder fails by the expiration date of the credential to either:

1. Submit documentation of continuing competency; or
2. Pay the required renewal fee.

~~182-007.08B Failure to Meet Continuing Competency Requirements:~~ The Department will refuse to renew a credential, after notice and opportunity for hearing, if a credential holder fails to meet the continuing competency requirements for renewal by the expiration date of the credential.

~~182-007.08C Right to Practice: When an individual's credential expires, the right to represent him/herself as a credential holder and to practice as an animal therapist terminates.~~

~~182-007.08D Practice After Expiration: An individual who practices after expiration of his/her credential is subject to assessment of an administrative penalty under 172 NAC 182-011 or such other action as provided in the statutes and regulations governing the credential.~~

~~182-007.08E Reinstatement of an Expired Credential: If a credential holder wants to resume practice as an animal therapist after failing to renew his/her credential by the expiration date, s/he must apply to the Department for reinstatement as specified in 172 NAC 182-010.~~

~~182-007.09 Inactive Status: When an individual wants to have his/her credential placed on inactive status, s/he must notify the Department in writing. There is no fee to have a credential placed on inactive status and continuing competency is not required.~~

~~182-007.09A Request for Inactive Status: When the Department has received notification that an individual wants to have his/her credential placed on inactive status, the Department will notify the credential holder in writing of the acceptance or denial of the request.~~

~~182-007.09B Placement on Inactive Status: When an individual's credential is placed on inactive status, the credential holder must not engage in practice as an animal therapist, but may represent him/herself as having an inactive credential.~~

~~182-007.09C Return to Active Status: A credential may remain on inactive status for an indefinite period of time. An individual who wants to have his/her credential returned to active status must apply to the Department for reinstatement and meet the requirements specified in 172 NAC 182-010.~~

182-008 DISCIPLINARY ACTIONS

~~182-008.01 Grounds for Action Against a Credential: A credential to practice a profession may have disciplinary actions taken against it on any of the following grounds:~~

- ~~1. Misrepresentation of material facts in procuring or attempting to procure a credential;~~
- ~~2. Immoral or dishonorable conduct evidencing unfitness to practice the profession in this state;~~
- ~~3. Abuse of, dependence on, or active addiction to alcohol, any controlled substance, or any mind-altering substance;~~
- ~~4. Failure to comply with a treatment program or an aftercare program, including, but not limited to, a program entered into under the Licensee Assistance Program established pursuant to Neb. Rev. Stat. § 38-175;~~

5. Conviction of:
 - a. A misdemeanor or felony under Nebraska law or federal law, or
 - b. A crime in any jurisdiction which, if committed within this state, would have constituted a misdemeanor or felony under Nebraska law and which has a rational connection with the fitness or capacity of the applicant or credential holder to practice the profession;
6. Practice of the profession:
 - a. Fraudulently,
 - b. Beyond its authorized scope,
 - c. With gross incompetence or gross negligence, or
 - d. In a pattern of incompetent or negligent conduct;
7. Practice of the profession while the ability to practice is impaired by alcohol, controlled substances, drugs, mind-altering substances, physical disability, mental disability, or emotional disability;
8. Physical or mental incapacity to practice the profession as evidenced by a legal judgment or a determination by other lawful means;
9. Illness, deterioration, or disability that impairs the ability to practice the profession;
10. Permitting, aiding, or abetting the practice of a profession or the performance of activities requiring a credential by a person not credentialed to do so;
11. Having had his/her credential denied, refused renewal, limited, suspended, revoked, or disciplined in any manner similar to 172 NAC 182-008.05 by another state or jurisdiction based upon acts by the applicant or credential holder similar to acts described in this part;
12. Use of untruthful, deceptive, or misleading statements in advertisements;
13. Conviction of fraudulent or misleading advertising or conviction of a violation of the Uniform Deceptive Trade Practices Act;
14. Distribution of intoxicating liquors, controlled substances, or drugs for any other than lawful purposes;
15. Violations of the Uniform Credentialing Act or the rules and regulations relating to the particular profession;
16. Unlawful invasion of the field of practice of any profession regulated by the Uniform Credentialing Act which the credential holder is not credentialed to practice;
17. Violation of the Uniform Controlled Substances Act or any rules and regulations adopted pursuant to the act;
18. Failure to file a report required by Neb. Rev. Stat. §§ 38-1,124 or 38-1,125;
19. Failure to maintain the requirements necessary to obtain a credential;
20. Violation of an order issued by the Department;
21. Violation of an assurance of compliance entered into under Neb. Rev. Stat. § 38-1,108;
22. Failure to pay an administrative penalty;
23. Unprofessional conduct as defined in 172 NAC 182-006.02;
24. Violation of the Automated Medication Systems Act; or
25. Having had his/her license referred to in 172 NAC 182-003.01, item 3, denied, refused renewal, limited, suspended, revoked, or having had other disciplinary measures taken against it.

~~182-008.02 Unprofessional Conduct: Unprofessional conduct means any departure from or failure to conform to the standards of acceptable and prevailing practice of a profession or the ethics of the profession, regardless of whether a person, consumer, or entity is injured, but does not include a single act of ordinary negligence. Unprofessional conduct also means conduct that is likely to deceive or defraud the public or is detrimental to the public interest. Unprofessional conduct includes but is not limited to:~~ **Moved to section 008 as modified.**

- ~~1. Receipt of fees on the assurance that an incurable disease can be permanently cured;~~
- ~~2. Division of fees, or agreeing to split or divide the fees, received for professional services with any person for bringing or referring a consumer other than:
 - ~~a. With a partner or employee of the applicant or credential holder or his/her office or clinic;~~
 - ~~b. With a landlord of the applicant or credential holder pursuant to a written agreement that provides for payment of rent based on gross receipts;~~
 - ~~c. With a former partner or employee of the applicant or credential holder based on a retirement plan or separation agreement; or~~
 - ~~d. By a person credentialed pursuant to the Water Well Standards and Contractors' Practice Act.~~~~
- ~~3. Obtaining any fee for professional services by fraud, deceit, or misrepresentation, including, but not limited to, falsification of third-party claim documents;~~
- ~~4. Cheating on or attempting to subvert the credentialing examination;~~
- ~~5. Assisting in the care or treatment of a consumer without the consent of the consumer or his/her legal representative;~~
- ~~6. Use of any letters, words, or terms, either as a prefix, affix, or suffix, on stationery, in advertisements, or otherwise, indicating that the person is entitled to practice a profession for which s/he is not credentialed;~~
- ~~7. Performing, procuring, or aiding and abetting in the performance or procurement of a criminal abortion;~~
- ~~8. Knowingly disclosing confidential information except as otherwise permitted by law;~~
- ~~9. Commission of any act of sexual abuse, misconduct, or exploitation related to the practice of the profession of the applicant or credential holder;~~
- ~~10. Failure to keep and maintain adequate records of treatment or service;~~
- ~~11. Prescribing, administering, distributing, dispensing, giving, or selling any controlled substance or other drug recognized as addictive or dangerous for other than a medically accepted therapeutic purpose;~~
- ~~12. Prescribing any controlled substance to:
 - ~~a. Oneself; or~~
 - ~~b. Except in the case of a medical emergency:
 - ~~(1) One's spouse;~~
 - ~~(2) One's child;~~
 - ~~(3) One's parent;~~~~~~

- (4) One's sibling; or
- (5) Any other person living in the same household as the prescriber;
- 13. Failure to comply with any federal, state, or municipal law, ordinance, rule, or regulation that pertains to the applicable profession;
- 14. Disruptive behavior, whether verbal or physical, which interferes with consumer care or could reasonably be expected to interfere with the care; and
- 15. Refusal to cooperate or failure to furnish requested information during a licensing or discipline investigation by the Department. **Moved to section 008 as modified.**

182-008.03 Temporary Suspension or Limitation

~~182-008.03A~~ The Department may temporarily suspend or temporarily limit any credential issued by the Department without notice or a hearing if the Director determines that there is reasonable cause to believe that grounds exist under 172 NAC 182-008.01 for the revocation, suspension, or limitation of the credential and that the credential holder's continuation in practice or operation would constitute an imminent danger to the public health and safety. Simultaneously with the action, the Department will institute proceedings for a hearing on the grounds for revocation, suspension, or limitation of the credential. The hearing will be held no later than 15 days from the date of the temporary suspension or temporary limitation of the credential.

~~182-008.03B~~ A continuance of the hearing will be granted by the Department upon the written request of the credential holder, and the continuance must not exceed 30 days unless waived by the credential holder. A temporary suspension or temporary limitation order by the Director will take effect when served upon the credential holder.

~~182-008.03C~~ A temporary suspension or temporary limitation of a credential under 172 NAC 182-008.03 will not be in effect for more than 90 days unless waived by the credential holder. If a decision is not reached within 90 days, the credential will be reinstated unless and until the Department reaches a decision to revoke, suspend, or limit the credential or otherwise discipline the credential holder.

~~182-008.04 Department Action:~~ The Department will follow the procedures delineated in the Uniform Credentialing Act to notify credential holders of any disciplinary action to be imposed and the time and place of the hearing.

~~182-008.05 Sanctions:~~ Upon the completion of any hearing held regarding discipline of a credential, the Director may dismiss the action or impose the following sanctions:

- 1. Censure;
- 2. Probation;
- 3. Limitation;
- 4. Civil Penalty;

5. ~~Suspension; or~~
6. ~~Revocation.~~

~~182-008.05A Additional Terms and Conditions of Discipline: If any discipline is imposed pursuant to 172 NAC 182-008.05, the Director may, in addition to any other terms and conditions of that discipline:~~

1. ~~Require the credential holder to obtain additional professional training and to pass an examination upon the completion of the training. The examination may be written or oral or both and may be a practical or clinical examination or both or any or all of the combinations of written, oral, practical, and clinical, at the option of the Director;~~
2. ~~Require the credential holder to submit to a complete diagnostic examination by one or more physicians or other qualified professionals appointed by the Director. If the Director requires the credential holder to submit to an examination, the Director will receive and consider any other report of a complete diagnostic examination given by one or more physicians or other qualified professionals of the credential holder's choice if the credential holder chooses to make available the report or reports by his/her physician or physicians or other qualified professionals; and~~
3. ~~Limit the extent, scope, or type of practice of the credential holder.~~

~~182-009 VOLUNTARY SURRENDER OR LIMITATION: A credential holder may offer to voluntarily surrender or limit a credential issued by the Department. The credential holder must make the offer in writing on a form provided by the Department or constructed by the credential holder, which must include the following information:~~

1. ~~Personal Information:~~
 - a. ~~First, middle and last name;~~
 - b. ~~Mailing address (street, rural route, or post office address), city, state, and zip code;~~
 - c. ~~Telephone number; and~~
 - d. ~~Fax number.~~
2. ~~Information Regarding the Credential Being Offered for Surrender or Limitation:~~
 - a. ~~List credential(s) and credential number(s) that would be surrendered or limited;~~
 - b. ~~Indicate the desired time frame for offered surrender or limitation:~~
 - ~~(1) Permanently;~~
 - ~~(2) Indefinitely; or~~
 - ~~(3) Definite period of time (specify);~~
 - c. ~~Specify reason for offered surrender or limit of credential; and~~
 - d. ~~Specify any terms and conditions that the credential holder wishes to have the Department consider and apply to the offer.~~
3. ~~Attestation: The credential holder must:~~
 - a. ~~Attest that all the information on the offer is true and complete; and~~

b. _____ Provide the credential holder's signature and date.

~~182-009.01~~ The Department may accept an offer of voluntary surrender or limitation of a credential based on:

- ~~1. _____ An offer made by the credential holder on his/her own volition;~~
- ~~2. _____ An offer made with the agreement of the Attorney General or the legal counsel of the Department to resolve a pending disciplinary matter;~~
- ~~3. _____ A decision by the Attorney General to negotiate a voluntary surrender or limitation in lieu of filing a petition for disciplinary action; or~~
- ~~4. _____ A decision by the legal counsel of the Department to negotiate a voluntary surrender or limitation in response to a notice of disciplinary action.~~

~~182-009.02~~ The Department may reject an offer of voluntary surrender of a credential under circumstances which include, but are not limited to, when the credential:

- ~~1. _____ Is under investigation;~~
- ~~2. _____ Has a disciplinary action pending but a disposition has not been rendered;~~
~~or~~
- ~~3. _____ Has had a disciplinary action taken against it.~~

~~182-009.03~~ When the Department either accepts or rejects an offer of voluntary surrender or limitation, the Director will issue the decision in a written order. The order will be issued within 30 days after receipt of the offer of voluntary surrender or limitation and will specify:

- ~~1. _____ Whether the Department accepts or rejects the offer of voluntary surrender; and~~
- ~~2. _____ The terms and conditions under which the voluntary surrender is accepted or the basis for the rejection of an offer of voluntary surrender. The terms and conditions governing the acceptance of a voluntary surrender will include, but not be limited to:
 - ~~a. _____ Duration of the surrender;~~
 - ~~b. _____ Whether the credential holder may apply to have the credential reinstated; and~~
 - ~~c. _____ Any terms and conditions for reinstatement.~~~~

~~182-009.04~~ A limitation may be placed on the right of the credential holder to practice a profession or operate a business to the extent, for the time, and under the conditions as imposed by the Director.

~~182-009.05~~ Violation of any of the terms and conditions of a voluntary surrender or limitation by the credential holder will be due cause for the refusal of renewal of the credential, for the suspension or revocation of the credential, or for refusal to restore the credential.

~~182-009.06~~ Reinstatement following voluntary surrender is set out in 172 NAC 182-010.

~~182-010 REINSTATEMENT: This section applies to individuals previously credentialed in Nebraska who seek the authority to return to practice in Nebraska with a valid Nebraska credential. Individuals may apply for reinstatement as follows: Moved to section 009 as modified.~~

- ~~1. An individual whose credential has expired, been placed on inactive status, voluntarily surrendered for an indefinite period of time, or suspended or limited for disciplinary reasons, may apply for reinstatement at any time.~~
- ~~2. An individual whose credential has been voluntarily surrendered for a definite period of time may apply for reinstatement after that period of time has elapsed.~~
- ~~3. An individual whose credential has been revoked may apply for reinstatement only after a period of two years has elapsed from the date of revocation.~~
- ~~4. An individual whose credential has been permanently voluntarily surrendered may not apply for reinstatement.~~

~~The voluntary surrender of a credential may be unrelated to disciplinary matters, or may be done to resolve a pending disciplinary matter, in lieu of disciplinary action, or in response to a notice of disciplinary action.~~

~~182-010.01 Reinstatement From Expired or Inactive Status or Following Voluntary Surrender Unrelated to a Disciplinary Matter~~

~~The applicant must submit to the Department a written application on a form provided by the Department or constructed by the applicant.~~

- ~~1. Application: The applicant, on his/her application:
 - ~~a. Must provide the following information:
 - ~~(1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;~~
 - ~~(2) Mailing address (street, rural route, or post office address; and city, state, and zip code or country information);~~
 - ~~(3) The applicant's:
 - ~~(a) Social Security Number (SSN); or~~
 - ~~(b) Alien Registration Number (A#); or~~
 - ~~(c) Form I-94 (Arrival-Departure Record) number.~~Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both.~~
 - ~~(4) If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;~~
 - ~~(5) The applicant must also provide information related to the following, as requested on the application of the Department:
 - ~~(a) History of charges, complaints, disciplinary actions, adverse actions, or other actions against a~~~~~~~~

- professional license or permit in any state or jurisdiction including, but not limited to:
- (i) Voluntary surrenders or voluntary limitations;
 - (ii) Currently pending investigations or complaints;
 - (iii) Prior refusals to issue, refusals to renew, or denials of a license or permit;
- (b) Information relating to fitness to practice including, but not limited to:
- (i) Addiction, dependence upon or chronic impairment by alcohol, narcotics, barbiturates, or other drugs which may cause physical and/or psychological dependence;
 - (ii) Physical, mental, or emotional conditions which impair the applicant's ability to practice the profession safely and competently;
- (c) History of any remedial or disciplinary actions during his/her education or training including, but not limited to restrictions, suspensions, terminations, request for voluntary resignation, probation, counseling, and receipt of warnings;
- (d) Any employment disciplinary actions or non-renewal of an employment contract;
- (e) Criminal history, including convictions and charges, complaints or other actions that did not result in convictions; and
- (f) History of professional liability claims, adverse judgments, settlements, or awards, including any pending professional liability claims.
- b. If the applicant is not a United States citizen, s/he must submit evidence of lawful admission or presence in the United States, which may include a copy of:
- (1) A Green Card, otherwise known as a Permanent Resident Card (Form I-551), both front and back of the card;
 - (2) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;
 - (3) A document showing an Alien Registration Number ("A#"). An Employment Authorization Card/Document is not acceptable; or
 - (4) A Form I-94 (Arrival-Departure Record);
- c. May provide the following information about him/herself:
- (1) Telephone number including area code;
 - (2) E-mail address;
 - (3) Fax number; and
- d. Must attest that s/he:

- ~~(1) Has met the continuing competency requirements specified in 172 NAC 182-005 within the 24 months immediately preceding submission of the application (or other requirements as specified by the practice act);~~
- ~~(2) Has not practiced in Nebraska since s/he last held an active credential, or if the applicant has practiced in Nebraska since s/he last held an active credential, the actual number of days practiced;~~
- ~~(3) Has not committed any act which would be grounds for action against a credential as specified in 172 NAC 182-008 since the last renewal or issuance of the credential (whichever is later), or if an act(s) was committed, provide an explanation of all such acts; and~~

~~2. Fee(s): The following fee(s):~~

- ~~a. If the credential is expired or inactive, the reinstatement and renewal fees; or~~
- ~~b. If the credential was voluntarily surrendered, the renewal fee.~~

~~182-010.01A If an applicant has practiced while his/her credential was expired, inactive, or voluntarily surrendered, the Department may, with the recommendation of the Board, take one or more of the following actions:~~

- ~~1. Deny the application to reinstate the credential;~~
- ~~2. Reinstatement of the credential to active status and impose limitation(s) or other disciplinary actions on the credential; and/or~~
- ~~3. Reinstatement of the credential.~~

~~182-010.01B If an applicant has committed any other violation of the statutes and regulations governing the credential, the Department may:~~

- ~~1. Deny the application for reinstatement of the credential;~~
- ~~2. Reinstatement of the credential to active status and impose limitation(s) or other disciplinary actions on the credential; and/or~~
- ~~3. Reinstatement of the credential.~~

~~182-010.01C The Department will act within 150 days on all completed applications.~~

~~182-010.01D The Department's decision may be appealed to the Director by any party to the decision. The appeal must be in accordance with the Administrative Procedure Act.~~

~~182-010.02 Reinstatement from Non-Disciplinary Revocation or Lapsed Status: An individual whose credential was placed on non-disciplinary revocation or lapsed status before December 1, 2008 may apply for reinstatement as provided in 172 NAC 182-010.01.~~

~~182-010.03 Reinstatement Following Suspension, Limitation, Revocation, or Voluntary Surrender to Resolve a Pending Disciplinary Matter, In Lieu of Discipline, or In Response to a Notice of Disciplinary Action: An individual whose credential was suspended or limited may apply for reinstatement at any time. An individual whose credential has been revoked may apply for reinstatement after a period of two years has elapsed from the date of revocation. An individual whose credential was voluntarily surrendered may apply for reinstatement according to the order entered by the Director.~~

~~The applicant must submit to the Board a written application on a form provided by the Department or constructed by the applicant.~~

- ~~1. Application: The applicant, on his/her application:~~
 - ~~a. Must provide the following information:~~
 - ~~(1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;~~
 - ~~(2) Mailing address (street, rural route, or post office address; and city, state, and zip code or country information);~~
 - ~~(3) The applicant's:~~
 - ~~(a) Social Security Number (SSN); or~~
 - ~~(b) Alien Registration Number (A#); or~~
 - ~~(c) Form I-94 (Arrival-Departure Record) number.~~

~~Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both.~~
 - ~~(4) If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;~~
 - ~~(5) A statement of the reason the applicant believes his/her credential should be reinstated;~~
 - ~~(6) The applicant must also provide information related to the following, as requested on the application of the Department:~~
 - ~~(a) History of charges, complaints, disciplinary actions, adverse actions, or other actions against a professional license or permit in any state or jurisdiction including, but not limited to:~~
 - ~~(i) Voluntary surrenders or voluntary limitations;~~
 - ~~(ii) Currently pending investigations or complaints;~~
 - ~~(iii) Prior refusals to issue, refusals to renew, or denials of a license or permit;~~
 - ~~(b) Information relating to fitness to practice including, but not limited to:~~
 - ~~(i) Addiction, dependence upon or chronic impairment by alcohol, narcotics, barbiturates, or other drugs which may cause physical and/or psychological dependence;~~

- ~~(ii) Physical, mental, or emotional conditions which impair the applicant's ability to practice the profession safely and competently;~~
 - ~~(c) History of any remedial or disciplinary actions during his/her education or training including, but not limited to restrictions, suspensions, terminations, request for voluntary resignation, probation, counseling, and receipt of warnings;~~
 - ~~(d) Any employment disciplinary actions or non-renewal of an employment contract;~~
 - ~~(e) Criminal history, including convictions and charges, complaints or other actions that did not result in convictions; and~~
 - ~~(f) History of professional liability claims, adverse judgments, settlements, or awards, including any pending professional liability claims.~~
- ~~b. If the applicant is not a United States citizen, s/he must submit evidence of lawful admission or presence in the United States, which may include a copy of:
 - ~~(1) A Green Card, otherwise known as a Permanent Resident Card (Form I-551), both front and back of the card;~~
 - ~~(2) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;~~
 - ~~(3) A document showing an Alien Registration Number ("A#"). An Employment Authorization Card/Document is not acceptable; or~~
 - ~~(4) A Form I-94 (Arrival-Departure Record);~~~~
- ~~c. May provide the following information about him/herself:
 - ~~(1) Telephone number including area code;~~
 - ~~(2) E-mail address;~~
 - ~~(3) Fax number; and~~~~
- ~~d. Must attest that s/he:
 - ~~(1) Has met the continuing competency requirements specified in 172 NAC 182-005 within the 24 months immediately preceding submission of the application (or other requirements as specified by the practice act);~~
 - ~~(2) Has not practiced in Nebraska since s/he last held an active credential, or if the applicant has practiced in Nebraska since s/he last held an active credential, the actual number of days practiced; and~~
 - ~~(3) Has not committed any act which would be grounds for action against a credential as specified in 172 NAC 182-007 since the last renewal or issuance of the credential (whichever is later), or if an act(s) was committed, provide an explanation of all such acts; and~~~~

~~2. Fee: The renewal fee.~~

~~182-010.03A The Board will make a recommendation regarding reinstatement following suspension, limitation, revocation, or voluntary surrender within 180 days of receipt of the application.~~

~~182-010.03B The Department, with the recommendation of the Board, may:~~

- ~~1. Conduct an investigation to determine if the applicant has committed acts or offenses prohibited by Neb. Rev. Stat. § 38-178;~~
- ~~2. Require the applicant to submit to a complete diagnostic examination, at the expense of the applicant, by one or more physician(s) or other professionals appointed by the Board. The applicant may also consult a physician(s) or other professionals of his/her own choice for a complete diagnostic examination and make available a report(s) of the examination(s) to the Department and to the Board;~~
- ~~3. Require the applicant to pass a written, oral, or practical examination or any combination of examinations at the expense of the applicant;~~
- ~~4. Require the applicant to successfully complete additional education at the expense of the applicant;~~
- ~~5. Require the applicant to successfully pass an inspection of his/her practice site; or~~
- ~~6. Take any combination of these actions.~~

~~182-010.03C On the basis of the written application, materials submitted by the applicant, and the information obtained under 172 NAC 182-010.03B, the Board may:~~

- ~~1. Deny the application for reinstatement; or~~
- ~~2. Recommend to the Department:
 - ~~a. Full reinstatement of the credential;~~
 - ~~b. Modification of the suspension or limitation; or~~
 - ~~c. Reinstatement subject to limitations or subject to probation with terms and conditions.~~~~

~~If the applicant has practiced while his/her credential was suspended, limited, revoked, or voluntarily surrendered, the Department may assess an administrative penalty pursuant to 172 NAC 182-011, in which case a separate notice of opportunity for hearing will be sent to the applicant.~~

~~182-010.03D An affirmative vote of a majority of the full membership of the Board as authorized by statute is required to recommend reinstatement of a credential with or without terms, conditions, or restrictions.~~

~~182-010.03E Full Reinstatement: If the Board recommends full reinstatement of the credential, modification of the suspension or limitation, or reinstatement of the credential subject to limitations or subject to probation with terms and conditions, the Board's recommendation will be sent to the applicant by certified mail. The following information will be forwarded to the Director for a decision:~~

- ~~1. The written recommendation of the Board, including any finding of fact or order of the Board;~~
- ~~2. The application for reinstatement;~~
- ~~3. The record of hearing, if any; and~~
- ~~4. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the applicant.~~

~~182-010.03F Denial, Modification, Limitation, or Probation: If the Board's initial decision is to deny the application for reinstatement, recommend modification of the suspension or limitation, or reinstate the credential subject to limitation or probation with terms and conditions, notification of the Board's decision will be mailed to the applicant by certified mail.~~

- ~~1. The initial decision or recommendation of the Board will become final 30 days after the decision or recommendation is mailed to the applicant unless the applicant requests a hearing within that 30-day period.
 - ~~a. If the applicant requests a hearing before the Board, the Department will mail a notice of the date, time, and location of the hearing. The notice will be sent by certified mail at least 30 days before the hearing.~~
 - ~~b. Following the hearing, the Board may deny the reinstatement or recommend full reinstatement of the credential, or recommend modification of the suspension or limitation, or recommend reinstatement of the credential subject to limitations or probation with terms and conditions.~~~~
- ~~2. If the applicant has been afforded a hearing or an opportunity for a hearing on an application for reinstatement within two years before filing the current application, the Department may grant or deny the application without another hearing before the Board.~~

~~182-010.03G Denial Decision: If the Board's final decision is denial of the application for reinstatement, the applicant will be notified by certified mail. The applicant may appeal the Board's denial to District Court in accordance with the Administrative Procedure Act.~~

~~182-010.03H Board Recommendation: If the Board's final recommendation is full reinstatement of the credential, modification of the suspension or limitation, or reinstatement of the credential subject to limitations or probation with terms and~~

~~conditions, the Board's recommendation will be sent to the applicant by certified mail. The following information will be forwarded to the Director for a decision:~~

- ~~1. The written recommendation of the Board, including any finding of fact or order of the Board;~~
- ~~2. The application for reinstatement;~~
- ~~3. The record of hearing, if any; and~~
- ~~4. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the applicant.~~

~~182-010.031 Director's Review: The Director, upon receipt of the Board's recommendation for full reinstatement, modification, or probation, will review the application and other documents and make a decision within 150 days of receipt of the Board's recommendation and accompanying documents. The Director will enter an order setting forth the decision. The Director may:~~

- ~~1. Affirm the recommendation of the Board and grant reinstatement; or~~
- ~~2. Reverse or modify the recommendation if the Board's recommendation is:
 - ~~a. In excess of statutory authority;~~
 - ~~b. Made upon unlawful procedure;~~
 - ~~c. Unsupported by competent, material, and substantial evidence in view of the entire record; or~~
 - ~~d. Arbitrary and capricious.~~~~

~~The order regarding reinstatement of the applicant's credential will be sent to the applicant by certified mail. The Director's decision may be appealed to District Court by any party to the decision. The appeal must be in accordance with the Administrative Procedure Act.~~

~~182-011 ADMINISTRATIVE PENALTY: The Department may assess an administrative penalty when evidence exists of practice without a credential to practice a profession or operate a business. Practice without a credential for the purpose of this regulation means practice:~~

- ~~1. Prior to the issuance of a credential;~~
- ~~2. Following the expiration of a credential; or~~
- ~~3. Prior to the reinstatement of a credential.~~

~~182-011.01 Evidence of Practice: The Department will consider any of the following conditions as prima facie evidence of practice without being credentialed:~~

- ~~1. The person admits to engaging in practice;~~
- ~~2. Staffing records or other reports from the employer of the person indicate that the person was engaged in practice;~~

- ~~3. Billing or payment records document the provision of service, care, or treatment by the person;~~
- ~~4. Service, care, or treatment records document the provision of service, care, or treatment by the person;~~
- ~~5. Appointment records indicate that the person was engaged in practice;~~
- ~~6. Government records indicate that the person was engaged in practice; and~~
- ~~7. The person opens a business or practice site and announces or advertises that the business or site is open to provide service, care, or treatment.~~

~~For purposes of this regulation, prima facie evidence means a fact presumed to be true unless disproved by some evidence to the contrary.~~

~~182-011.02 Penalty: The Department may assess an administrative penalty in the amount of \$10 per day, not to exceed a total of \$1,000 for practice without a credential. To assess the penalty, the Department will:~~

- ~~1. Provide written notice of the assessment to the person. The notice will specify:
 - ~~a. The total amount of the administrative penalty;~~
 - ~~b. The evidence on which the administrative penalty is based;~~
 - ~~c. That the person may request, in writing, a hearing to contest the assessment of an administrative penalty;~~
 - ~~d. That the Department will within 30 days following receipt of payment of the administrative penalty, remit the penalty to the State Treasurer to be disposed of in accordance with Article VII, section 5 of the Constitution of Nebraska;~~
 - ~~e. That an unpaid administrative penalty constitutes a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the District Court of the county in which the violator resides or owns property. The Department may also collect in such action attorney's fees and costs incurred directly in the collection of the administrative penalty; and~~
 - ~~f. Failure to pay an administrative penalty may result in disciplinary action.~~~~
- ~~2. Send by certified mail, a written notice of the administrative penalty to the last known address of the person to whom the penalty is assessed.~~

~~182-011.03 Administrative Hearing: When a person contests the administrative penalty and requests a hearing, the Department will hold a hearing pursuant to the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.~~

~~182-012 FEES: Fees referred to in these regulations are set out in 172 NAC 2, unless otherwise specified. Moved in section 010 as modified.~~

~~182-012.01 Initial Licensure Fee for Animal Therapist: By an applicant for a license as an animal therapist, the fee of \$142. Moved in section 010 as modified.~~

~~182-012.02 Renewal Fee for Animal Therapist: By an applicant for renewal on a biennial basis of a license as an animal therapist, the fee of \$142. Moved in section 010 as modified.~~